THE BOMBAY COURIER.

PUBLISHED TWICE A WEEK,—EVERY SATURDAY AND TUESDAY MORNING.—PRICE 13 RUPEES PER QUARTER.

VOL. XLI.] TUESDAY, 26 NOVEMBER, 1833. [NO. 2292.

WILL BE PUBLISHED IMMEDIATELY, THE INDIA BILL,

FOR effecting an Arrangement with the *India* Company, and for the better Government of His Majesty's *Indian* Territories, (including Amendments in Committee, Clauses added on the Report, and Provisos subjoined after the third reading,) as passed thro' the House of Commons, on the 26th day of July, 1833.

PRICE RS. 1½ PER COPY.

ON Wednesday, the 27th November, instant, Messrs. FRITH, BOMANJEE, AND CO. will sell by Public Auction at his Residence, in Rampart Row, the Household Furniture and property of J. D. DEVITRE, Esq. returning to Europe, comprising Plate, Plated, and Glass Ware. Sideboard, Tables, Chairs, Couches, Dinner and Breakfast services, a very handsome set of Plated Dish Covers, with Dishes to match, Hanging Lamps and Wall Shades, Cooking Utensils, &c. &c. &c.

AT NOON,

A London built Chariot and Harness, with a pair of well matched Chesnut Carriage Horses, that go well in single or double Harness, and a Madras built Palanquin.

No Catalogues will be published, but the property is on view this day, Tuesday, the 26th Nov. and will be sold to-morrow, Wednesday, the 27th.

NAUTICAL ALMANACS for 1834, may be had from Captain POLLOCK, at the Office of Messrs. ADAM, SKINNER, AND CO.—PRICE 15 Rs. each.

Bombay, 26th November, 1833.

NOTICE—The Undersigned having been appointed Agents for the "ALLIANCE INSURANCE OFFICE," of Calcutta, are authorized to grant Policies payable in Bombay, Calcutta, Canton, or London.

McGREGOR, EDMOND and CO.
Messrs. Shedden & Co. *Secs. in Calcutta.*
" Russell & Co., *Agents, Canton.*"
" Cockerell & Co., *Do. London.*"
Bombay, 26th November 1833.

NOTICE—The Undersigned having been appointed Agents for the "INDEMNITY INSURANCE OFFICE" of Calcutta, are authorized to grant Policies payable in Bombay, Calcutta, or London.

Messrs. GILMORE and Co. are Secretaries for the Office in Calcutta.

McGREGOR EDMOND, and CO.
Bombay, 26th November, 1833.

FOR sale at MESSRS. LECKIE AND CO'S. Godowns,

Bass' Pale Ale,.....at Rs. 45 per hhd.
Barclay's, do. .....at „ 35 „ do.
Ind and Smith's do. ..at „ 35 „ do.

Apply to SHAPOORJEE NASSERWANJEE.

FOR sale at the Godowns of Messrs. RITCHIE, STEUART, AND CO., Rankin's Pale Sherry in 6 dozen cases, at Rs. 15 per dozen.

Bombay, 26th November, 1833.

FOR SALE at the Courier Office—A CODE OF SIGNALS, with a list of Vessels and their corresponding numbers in H. M. service, and the Commercial Navy of Great Britain, together with those belonging to the Port of Bombay. Price, one rupee.

FOR SALE—No. 12 of the QUARTERLY ARMY LIST. Price, rupees 3.

FOR SALE at the Courier Office, The Oriental Sporting Magazine, from No. 7 to 19, each No..... 3 0 0
Blank Powers of Attorney,..... 0 2 0
Do. Interest Bonds,..... 0 2 0
Do. Policies,..... 1 0 0
Do. Bills of Lading, per set,.... 0 2 0
Do. Respondentia Bonds,..... 0 2 0
Do. Bills of Exchange, per set,... 0 2 0
Plans of the Island,..... 1 0 0
Traveller's Itinerary,..... 5 0 0
Insolvent Debtor's Act,..... 3 0 0

LETTER-PRESS PRINTING, neatly executed upon moderate terms.

FOR SALE at the Courier Office—A few remaining copies of the BOMBAY CALENDAR and ALMANAC, printed on English Royal Paper for the present year, containing Rules, Regulations, and other matter of local interest not previously published.—Price 6 rupees per copy.

FOR FREIGHT OF OPIUM TO LINTIN,

THE fast sailing Ship GOOD SUCCESS, WILLIAM DURANT, Commander, will sail for the above port on or about the 20th instant. For freight—Apply to Messrs. JAMSETJEE JEJEEBHOY. AND CO. or MOTICHUND AMECHUND, Sett.

Bombay, 26th November, 1833.

FOR FREIGHT OR PASSAGE TO LIVERPOOL, TOUCHING AT THE MAURITIUS,

THE fast sailing British built ship PARKFIELD, K. MACAULAY, Commander, on her first voyage from England. This vessel has excellent accommodation for passengers, is well armed, and will be dispatched on 5th Dec. Plans of the Cabins may be seen at the office of GISBORNE, MENZIES, and CO.

Rampart Row, 26th Nov. 1833.

MILITARY ARRIVALS AND DEPARTURES.

ARRIVALS.

Lieut. Jackson, 11th N. I. from Ellichpore.
Cadet G. J. Pogson, Infantry, from England.
Capt. Chalmers, 4th Regt. from Poona.
Lieut. Col. Whitehill, Vet Bat. from the Cape.
Capt. George Smith, 26th Regt. N. I. from England.
Capt. John Luard, 16th M. N. I. from the Cape.

DEPARTURES.

Capt. J. Saunders, 15th Regt N. I. to Europe.
Ensign E. M. Milne 25th Regt. N. I. to Hursole.
Ensign H. Boye, 22d N. I. to Ahmedabad,
Lieut. C. Wells. 26th Regt. N. I. to Sholapoor.
Lieut. B. Bailey, Artillery, to Ahmednugger.
Lieut. T. Pownoll, do. do. to Hursole.
Major Lester, Artillery, to Ahmednugger.
Major Soppitt, 26th Regt. N. I. to Europe.
Lieut. J. Davies, 11th Regt N. I. to do.
Capt T. R. Gordon, late 25th N. I. to do.
Assist. Surg. F. S. Arnott, M. D. 4th Troop H. B, to Sholapoor.

DOMESTIC OCCURRENCES.

BIRTH.

At Colaba, on the 25th Nov. 1833. the Lady of Captain Maclean, a Queen's Royals, of a daughter.

DEATH.

At Neemuch, on the 14th inst. Capt. Henry Bowden Smith, 37th Regt. Bengal N. I.

SHIPPING REPORT.

ARRIVALS.

Nov. 22d French Ship France, F. Lartigue, Master, from Bordeaux 20th July.
---23d. Barque Agnes, P. H. Holmes, Master, from Calcutta, 21st October.
Passengers.--- J. B. Biss, Esq. Mrs. Biss and Child, and J. Smith.
---2d Ship Hero of Malown, Henry Richmond, Master, from London. Left the Downs 5th July, and Cape 14th Sept.
Coll. Whitehill, Capt. Morris, Capt. and Mrs. Luard, Capt. and Mrs. Smith and Child, Mrs Whitehill and Mr. Richmond, and Mr Gray of the firm of Dirom Carter and Co.

DEPARTURES.

Nov. 24th--Ship Gilmore, H. H. Lindsay, Master, to Liverpool.
Passengers.---Major and Mrs. Soppitt, Capt. and Mrs. Brown and four Children, two European emale servants, and one Native do.
---Do. ship Boyne, Thomas Brown, Master to London.
Passengers.---Mrs Bailie, Mrs. Wilson, Lieut. Davies, Mr. Jones, Capts. Gordon, and Saunders.

LIST OF SHIPPING IN THE HARBOUR.

HON'BLE COMPANY'S SLOOPS OF WAR.---Amherst, and Coote.
HON'BLE COMPANY'S SCHOONER---Shannon.
Hon'ble COMPANY'S STEAMER, Hugh Lindsay.
FREE TRADERS.---London, Sir Edward Paget, Francess, Comala, Clairmont, William, Royal George, Eliza, Parkfield, Asia, Rapid, Mulgrave, Undaunted, Marquis of Hastings, Princess Charlotte, Lady Raffles. and Hero of Malown,
COUNTRY SHIPS.---Maria, Cyrene, Good Success, Discovery, Kusrovie, Charlotte, Ann, Lowjee Family, Virginia, Hydross, Golconda, Charles Forbes, Abgarus and Agnes.
PORTUGUESE.---Consoliel, and Amelia.
AMERICAN.---Henry Clay.
SWEDISH---Ceres
BRAZIL.---Aguia.
FRENCH.---France.

SUPREME COURT.

Capt. W. MORLEY *vs.* R. C. MONBY, Esq., the Revd. J. WILSON and the Revd. C. STONE, Proprietors of the ORIENTAL CHRISTIAN SPECTATOR—for Libel—Damages laid at the Rs. 25,000.

Mr. ROPER appeared for the Plaintiff; Mr. Philips for the Defendants. The case was called on at half past ten on Friday morning, before both the Judges, and lasted till nearly five in the evening. Mr. ROPER opened the case for the plaintiff by stating the cause of action: the offensive passages constituting the libels, were contained in the following extracts from the O. C. SPECTATOR, which, tho' not put in till at the close of the plaintiff's case, we print here for the better understanding of the proceedings.

[*From the Christian Spectator for May*, 1833.]

NOTES TO CORRESPONDENTS.

1. We have received a communication from Nuggur, which we shall lay before our readers, who with ourselves must be thunderstruck, that any person bearing the name of a British Officer, could so degrade the British and Christian character, as to build a Hindu temple in commemoration of an impius and illicit connexion—and if true we sincerely trust that the proper authorities will take cognizance of it. Nor shall we overlook Dhakjee Dadajee who has attempted to deify himself, and to institute an annual jatra in honour of himself; nor the sordid Brahman's who have co operated with him; nor the inconsiderate Europeans who have encouraged him. We are determined to make a thorough exposure. We shall give the names of offenders, that they may meet with merited disgrace.

We have received several communications, which we shall insert, or notice, next month."

(*From the Christian Spectator for June*, 1833.)

SCANDALOUS ENCOURAGEMENT OF IDOLATRY AT NUGGUR.

" In our notes to correspondents inserted in our last number, we alluded to certain [illegible] we had received concerning a [illegible] transaction at [illegible] hope that it will [illegible] justly merits.

" I quite forg[illegible] mention a fact [illegible] means pass unn[illegible] Hindu Temple [illegible] Hinduism will [illegible] nerate days, w[illegible] spirit to build [illegible] feed Brahmans [illegible] they expected [illegible] forward to e[illegible] was riding a f[illegible] river, which [illegible] Fort, I observ[illegible] some time in the process of building, was completed, and the Natives already adoring the god which had been newly set up, with as much alacrity as if other days of olden times had returned, and they were permitted once more to breathe the atmosphere of their forefathers. The shrine of the gods forms rather a singular combination. The reason of this, or rather the appropriateness of it, will appear more obvious in the sequel. They consist of the Goddess, the Linga, and the other emblem of Shiwa. Curious to know who among this degenerate people had in these latter days called from the dead the spirit of his fathers, I enquired of my gorawalla, if he knew who built that temple. Will a Christian, will an Englishman, believe me, that he did not, as I expected, reply, that a certain Braman, Maratha, or Mhar, built it. But, said he, (and he seemed to to know its whole history.) " it was built by Captain Saheb." I asked him why a Gentleman should build a Hindu Temple? He said, he had built it over the ashes of his *Kalé Stri (black-mistress)* as a tribute of respect to her memory. No one, thought I, will deny but the Captain choose a very appropriate way of embalming the memory of the departed. But I had another thought It was this: that some people, whose consciences have not sustained the chills of the Cape, will have very serious cruples whether the Captain is not a little too zealous in his Master's service. This conscientious people are always on the look out, and some say, they not only regard themselves, and others by nature depraved, but are so uncharitable as to believe that depravity is the universal disease of the human race. This class of people, (which, thanks to God, seem to be on the increase in India,) will think that he not only is willing to immortalize—a practice which is not *every where* well spoken of, but fain would teach generations to come to forsake the invisible, living and holy God, and to worship the " Image which he has set up."

I read on the front of this Temple " Morley's house of worship," and the same name made part of a sentence inside of the Temple, which none but the worshippers at such Temples, like to pronounce. These have been written by some person in contempt. The friend of Hinduism may feel encouraged:—but what will these deluded Idolaters think of such kind of Christianity."

In reply to special inquiries which we made on this subject, we have learned the following additional particulars [illegible] to is of the Artillery, at Ahmednuggur. I have inquired of many [illegible] natives who give me but one account, that is,—he built it as a Tomb over the ashes of his mistress. Doubting the accuracy of what I had heard, I inquired of Ensigns —and Cadets who confirmed all I had heard, and said it was known through the Camp. Whether he *ordered* the images to be put in, I know not. But it appears very obvious that he knew they were put there, and did not forbid it. There is no inscription engraven on the Temple, or originally written there. But some European Soldiers who have treated the temple with no little indignity and abuse by beating the door, and pelting with stones the chunam figures on the top till they have quite beaten off three of the four placed there, have written with chalk the inscription in front of the temple and behind the range. This is the writing to which I referred in the communication.

Mr. ROPER after selecting the gravamen of these publications, stating the counts of the Plaint, noticing the pleas put in by the Defendants, two of which had been demurred to and overruled, and going at some length into the technical parts of the pleadings, continued as follows.

The plaintiff has been accused of giving scandalous encouragement to idolatry and of having erected a Hindoo temple in order to commemorate an impious and illicit connexion. This seems to be the gist and substance of the complaint, for with regard to that part of the libel set forth towards the conclusion of the second count in the following terms:—" whether he ordered the images to be put in, I know not, but it appears very obvious, that he knew they were put there and did not forbid it," the imputations thereby conveyed appear to be comparatively unimportant. Even if Mr. Morley had been aware of such images being placed in such a building as that alluded to, it would not have been in his power to prevent it; any attempt on his part to do so would have been a direct violation of the orders of the Government by which he is employed, and any interference would have been at variance with the dictates of good policy, and, I may add, of common sense. As for the other libels contained in the declaration, I submit, they are in themselves so palpably gross and scandalous, as to render it unnecessary for me to comment at any length on their contents. It is evidently a very serious charge, a very heinous imputation, to accuse a man of being such a hypocrite as to be capable of giving scandalous encouragement to idolatry at the same time that he professes the Christian Religion, and it is also a very serious charge, a very heinous imputation, to accuse a man of erecting a Hindoo temple in order to commemorate an impious and illicit connexion, and of wilfully blazoning forth his vices to the world.

From the peculiar state of the record these matters come before the Court under rather singular circumstances. The demurrers to the first and second special pleas having been allowed, the defendants are thus debarred from entering into any justification, properly so called, of the matters to which those pleas were respectively intended to apply, and thus, upon proving the publication by the defendants of the libels to which those [illegible] referred and which are, as I have [illegible] important, the Plaintiff will [illegible] nied; and should the defendants in the course of this trial allege any illicit connexion on the part of the plaintiff as a palliation of their conduct, I submit that in so doing they will aggravate their offence.

This is an extraordinary case as well on account of such an injury as that complained of having been committed by persons assuming the character which the defendants profess to bear, as also on account of the terms and nature of the libels, and of the country in which such a trial thus takes place. The plaintiff, as stated, is a Captain of Artillery—an individual comparatively unknown, who has never before been rendered a public character, or rather, who has never till now been dragged from the retirement of private life before the public, and who is most reluctant to make his debut under such circumstances upon the present occasion. The defendants, on the other hand, occupy a prominent station in society; they appear to court notoriety for themselves and their opinions; and for the attainment of the objects they may have in view have become joint proprietors of the publication in question, the Oriental Christian Spectator. Two of these joint proprietors, Mr. Wilson and Mr. Stone, I understand, are Missionaries, and the third, Mr. Robert Cotton Money, strange to say, holds the situation of Secretary to the Government of Bombay. I term this an extraordinary circumstance because it is generally believed that servants of the East India Company are prohibited from becoming contributors to or proprietors of any periodical publication whatsoever, including, of course, such a publication as the Oriental Christian Spectator. Should such a prohibition exist we now see the value set upon it by Mr. Money who, had he condescended to pay some attention to the orders of his employers, would have spared himself and his friends the regret which must be felt at finding him thus implicated upon this occasion.

It may appear unaccountable to your Lordships that these three persons, who assume to themselves the garb of religion and a title to be didactic, should thus be accused of publishing maliciously a false and scandalous libel, and you may at first imagine that even though according to the rules of law and the strict justice of the plaintiff should appear to be entitled dict, it yet must be impracticable impugn the motives of the defe be alleged on their part t took upon themselves the they conceived to be a public upright and pious men; t[illegible] [illegible]ns with the best inte it was [illegible] were to promote true re[illegible] ner, and that therefore [illegible] cribed to them. My L[illegible] this construction upon gladly believe they ha[illegible] their blind siasm view of the matter is, hov[illegible] with the mode in which t[illegible] forth, and such a view is[illegible] with the tenor of the li[illegible] the conduct of the defen[illegible] whole of these transactio[illegible]

After publishing their f[illegible] Christian Spectator of the [illegible] men been then informed M[illegible] or caused to be built any H[illegible] felt much regret and annoy[illegible] in question having been emplo[illegible] alluded to, had these Defendan[illegible] formation to this effect, they w[illegible] tives been pure and honorable, [illegible] posed to refrain from wanton [illegible] have thereupon retracted what [illegible] unjustly said, and as far as pos[illegible] for what they had unjustly done, [illegible] they would thereupon have desis[illegible] ing any further libels upon the P[illegible] however, are the facts? A friend of [illegible] read in the Oriental Christian Spectator [illegible] of May the denunciation of the Plaintiff [illegible] work contained, and apprehending his f[illegible] be more severely libelled in the forthc[illegible] bers of the publication most kindly in[illegible] self upon the subject, and requ[illegible] gentleman, who will be produced a[illegible] represent the facts to the defenda[illegible] tleman, Dr. Edwards, accordingly [illegible] defendants and made such a staten[illegible] already should have induced [illegible] atoned as far as possible for what t[illegible] to have retracted what they had sai[illegible] to have desisted from publishing [illegible] libels about the matter. Of the truth o[illegible] ment the defendants expressed no do[illegible] virtually admitted it. They did not th[illegible] any intention of justifying these libels on[illegible] of their contents being true. Such idea of[illegible] tion seems to have been altogether an afte[illegible] adopted on finding Mr. Morley had reso[illegible] Court of Justice for the vindication of his ch[illegible] It seems to have been a manœuvre in order, [illegible] these publications he considered libellous, to [illegible] it in their power to throw dirt, and as fa[illegible] sible, to vilify the character of the[illegible] the occasion alluded to, howev[illegible] showed no great anxiety eit[illegible] they had unjustly done, o[illegible] had falsely said, or even [illegible] further libels on the [illegible] that—" indeed [illegible] of the [illegible]

who put forth such statements without having in the first instance ascertained their contents to be strictly true. Are we to be told that such men, are zealous men, enthusiastic men, or charitable men! Is it not upon the other hand evident they are the malicious publishers of a base attack upon the character of the Plaintiff.

But the malice of these Defendants is further evidenced as well by the context of the libels as also by several distinct passages therein. I shall read one of those passages in proof of the assertion—a passage containing a sentence, which, although not included in the declaration, may unquestionably thus be alluded to in order to show the *quo animo* of the slanderers.

Here Mr. Roper read the passage concluding with the sentence. "If true we sincerely trust that the proper authorities will take cognizance of it."

There can be no room for hesitation as to the meaning of such a paragraph. It is hence abundantly obvious that these men with the praises of god in their mouths were fain also to have had a two edged sword in their hands, and that their object was not merely to admonish or reprove, but rather to injure or destroy.

There are several other passages in the libels of a similar tendency, and almost equally displaying the maliguity of these defendants, and if indeed a mental wound be deeper when a blockhead's insult points the dart, then Mr. Morley has the additional mortification of reflecting that some low and ignorant traducer has assailed him. To substantiate this I would refer your Lordships to these libels *passim*, but more especially to some paragraphs to which I would particularly direct your attention.

Here Mr. Roper quoted and commented on some sentences in the passage beginning with the words "as I was riding at", and ending with the words—"disease of the human race."

This is the sort of trash contained in the Oriental Christian Spectator, a work which is said to have for it's object the promotion of morality and true religion. Are the sentences I have thus quoted grammer or are they sense? they are neither the one nor the other. They may be missionary slang but they are not English, and though they amply import the malice of the writer and his wish that Mr. Morley may be considered as a servant of the Devil, they are in all other respects almost utterly unintelligible. I am aware that the Deity out of the mouths of babes and sucklings can ordain strength, but it would require a very potent blessing—a blessing singularly miraculous—to render the effusions of this vulgar scribbler effectual to any other purpose [illegible] the excitement of indignation and contempt.

[illegible]y he consolatory to the friends of Mr. Mo[illegible]ect that his known education and ac[illegible]render it impossible he can be sus[illegible] a moment of having penned such [illegible]till he has fathered it, he has [illegible]made common cause with the [illegible] his persevering in such a *[illegible]itur a socius* should be [illegible]prudence on the [illegible]t of [illegible]rcumspect hereafter as [illegible]alifications of his com[illegible]

[illegible]ot how far the defendants [illegible]into proof of the mat[illegible]third special plea upon [illegible]oined. They may be in[illegible]se in the hope, that whilst [illegible] the least important part [illegible]e able to palliate their [illegible]hose libels which I have [illegible] more important and in [illegible]on has been chiefly insti[illegible]nture upon such a course, [illegible] very faint expectations of [illegible]lined availing themselves of [illegible]ad of amending the formal [illegible] and second special pleas re[illegible]us pleading by way of justifica[illegible]re important libels the very [illegible]ich their third plea contains. [illegible]ent that when the demurrers [illegible]y had no expectation of being [illegible] matters alleged in their third [illegible] that they themselves considered [illegible]mportant libels as utterly unjustifi[illegible]d they now presume to enter into proof, [illegible] will be competent for me to adduce evi[illegible] behalf of the plaintiff to rebut such [illegible]d also to comment on the features of the [illegible]e fully than I now think it necessary to [illegible]uld, however, feel no reluctance to en[illegible]ully into the merits in the first instance, [illegible]as Mr. Morley's conduct is concerned, [illegible]he head and front of his offending [illegible]ise, were it not that should I now [illegible]be led into making many observations [illegible]bsequent proceedings in this trial [illegible]o have been uncalled for. It might [illegible] I had commented on matters respect[illegible]o evidence had been given; I might [illegible]f indulging my loquacity and of mis[illegible]the time of the Court, and I should [illegible]ompelled to dwell upon particulars and [illegible]nich I should willingly abstain from [illegible] upon altogether, and which it seems to [illegible]nse of decency and decorum should in[illegible] man to keep as long as possible in the [illegible]ound. I shall therefore now confine myself [illegible]e general issue, but lest my learned friend [illegible]d decline calling witnesses and should thus [illegible]ve me of the power of replying, I must also [illegible]ame observations on the first and second [illegible] which were overruled, for I look [illegible]f those pleas as a very material [illegible]—as an aggravation of the [illegible]h as those pleas must have [illegible]on which the defendants [illegible]d the libels, I think it [illegible]nting upon them, [illegible]ties;—that

less the acts falsely ascribed in the first and second special pleas to Mr. Morley, would have demonstrated, if true, that he had given scandalous encouragement to idolatry and had commemorated an impious and illicit connexion, and unless the defendants could also have demonstrated that such effects so arising from such acts had been intended and designed by the plaintiff. If therefore I shall make it apparent that neither scandalous encouragement of idolatry, nor the commemoration of an impious or illicit connexion could have arisen from the acts so falsely imputed to the plaintiff; or if I shall prove that even if such effects might have arisen from such acts, such effects must have been utterly unintended and undesigned by Mr. Morley, then I shall have established that on their own showing the Defendants had no reasonable or probable cause for imputing such offences, and that upon their own showing they put a most violent and overstrained construction upon the acts they unjustly alleged.

The first assertion in these pleas which have been overruled, is that Mr. Morley "built or caused to be built a certain building in the form of a Hindoo Pagoda."—Taking this in the sense most favourable to the defendants, and stripping the pleas of their argumentativeness, we have here an assertion that Mr. Morley built or caused to be built a Hindoo temple or pagoda. As I have said, such conduct on the part of the plaintiff is utterly denied, but even if it were otherwise—even if he had built a temple or pagoda, is it to be endured that in a country like this—in which ninety nine men out of a hundred are idolaters, in which unbounded toleration or rather religious freedom is said to prevail and in which as in every country unbounded toleration or religious freedom ought to prevail—is it to be endured, that in such a country these men should put forth publications of this description, and should impute it to a man as a crime that he has built or contributed to the building of a Hindoo temple or pagoda?—A country in which thousands of temples are already erected and are daily being erected—a country, in which it frequently becomes the duty of this court in the execution of Hindoo wills, to direct, and in a manner to superintend, the building of Hindoo temples, and in which there are millions of idolaters whom it is incumbent on Great Britain to protect and tolerate in the enjoyment of that worship to which they are addicted. Toleration and intolerance indeed are but vague and relative terms. Some years ago in Ireland one protestant would not have been deemed intolerant for upbraiding another protestant with having contributed towards the building of a Roman Catholic chapel. Many persons imagine themselves imbued with a due spirit of toleration so long as they forbear dragging those of different religions to tortures or the stake, or so long as pains and penalties are not denounced against those who happen to think differently from themselves.

Perhaps, in order to feel an unqualified spirit of toleration, a man must [illegible] must experience a sort of apathy or indifference upon religious subjects. This is what no man ought to feel or would wish to feel, and it is difficult for any person who is not absolutely an idolater to view idol worship without abhorrence and disgust. There is one consideration, however, which of itself should induce us to refrain from expressing such sentiments. It is that the mere utterance of such opinions amounts to a species of intolerance—that intolerance uniformly defeats itself, and that no true convert has yet been made by persecution or by insult. It would be easy to show that these defendants by their violent and injudicious conduct in this transaction had given rise to much irritation and excitement amongst the lower classes and the ignorant; that they had occasioned much mischief, much outrage towards the prejudices and feelings of the natives, in short, that they had violated those rules which upon their coming to this country they pledged themselves to observe, and their strict adherence to which rules can alone entitle them to remain here. I do not wish to insist upon these matters. It is sufficient for me to observe that their injudicious and violent conduct in these particulars should be considered as aggravating the attack they have thus made upon the plaintiff.

But independently of the impolicy of such a publication in such a country, I would submit that even if Mr. Morley had built a Hindoo temple and furnished it with idols, as has been falsely asserted by the defendants, it could not thence be inferred he had given scandalous encouragement to idolatry and thus the defendants, on their own showing had no ground for imputing such an offence.

What is the meaning of this phrase "giving encouragement? According to Johnson it signifies the giving an incitement or incentive, and, I submit, the building a Hindoo temple and furnishing it with idols can never furnish an incitement or incentive to any person who is not already an idolater to become one.

I would appeal to all mankind whether there can be any form, or comeliness, or attraction, or quality in buildings of any particular architecture, or in idols of any particular form to induce a man who is not already an idolater or worse than an idolator to fall down and worship a graven image, whether it be "born of beaten gold or of stock or stone or other homely pedigree." As for those whose minds are superior to idolatry, I would ask them, one and all, whether the building an infinite number of temples or the fabrication of an infinite number of images could induce them to wander in the slightest degree from what they now believe to be true religion. On reflection it is evident you might crowd India with temples and with images without inducing any one, who is not already an idolater, or worse than an idolater, to view such temple or images as objects of devotion.

Hume, indeed, in his essay upon the flux and reflux of theism and polytism thus expresses himself.

"But so great is the propensity in this alternate revolution of human sentiments to return back to idolatry. that the utmost precaution is not able effectually to prevent it. And of this some theists, [illegible]y the Jews and Mahomedans, have been [illegible]by their banishing all the arts

caused his own portrait to be taken. There seems indeed, to be more of rash assertion and conjecture than of sound reasoning in much of what Hume has said upon these subjects. In the same essay we find the following passage.

"But as these idolatrous religions fall every day into grosser and more vulgar conceptions, they at last destroy themselves, and by the vile representations which they form of their deities, make the tide turn again towards theims."

If that position were correct, and if Mr. Morley really had erected this alleged pagoda and furnished it with idols, it would be necessary for this court to examine whether such idols were well or ill favoured as compared with other images in order to decide whether such idols had promoted or discouraged idolatry. Such a doctirne, however, is amply refuted by the state of things in India, for eye hath not seen nor hath it entered into the hearts of man to conceive" forms more unsightly or conceptions more gross than now are, and for ages have been, objects of devotion in this country. It is thus demonstrated that no mere want of form or comeliness—no absolute deformity—now grossness of conception can overthrow a religion which their priesthood, or their prejudices imbibed from their ancestors may have induced a people to embrace.

The true state of the cause appears to be, that the intellect of man when cultivated, advances, and when neglected retrogrades, and according as the mind improves or degenerates, it forms the idea of a spiritual deity or of one finite and corporeal. Thus a man advances to theism or christianity or becomes or continues and idolater. All this, however, arises from the improvement or neglect of the mind—from the countermarch or march of intellect, and is altogether independent of temples, pagodas and images and all their trumpery. Such things may arise form, but cannot from on alter the disposition of the mind, and hence the building a Hindoo temple, and furnishing it with idols, cannot prove pernicious even to idolaters themselves. Whatever effect the exhibition of a dumb idol may have upon the taste or fancy, it can have no argument or reasoning wherewith to effect the mind, thereby to induce it either to embrace or to persist in adhering to idolatry. We know that the Hindoos being sunk in superstition, will prostrate themselves before, and make salaams to stocks, stones, buildings, pieces of furniture—,in short, to any inanimate object as well as to their established idols. It would be absurd, however, upon this account, even of it were possible, to annihilate such stocks, stones or other things lest they should become objects of idolatry. They are not the causes of idol[illegible]ry, for the idolatrous disposition is pre-existent [illegible], and if such articles were destroyed one mor[illegible]ent, others would be found the next minu[illegible]ent wherewith to gratify the impulse of the m[illegible]mind. Hence temples and images cannot be said to occasion idolatry, for idolatry pre-exist in the mind, and hence the defendants, even if their false assertion that Mr. Morley had built a Hindoo temple and furnished it with idols, had been true, upon their own showing had no right to accuse him of having given scandalous encouragement to idolatry.

Indeed before they had preferred such a charge upon such foundation they should have recollected the story of Naaman the Syrian who when cured of his leprosy, at the same time that he professes his belief in the God of Israel, asks Elisha to permit him to accompany his master, the king of Syria, and to bow himself down in the house of the false God Rimmon. Naamar was a great man—an honorable man—he had given deliverance to Syria, and at this period he was no longer a leper. So far therefore as rank. station and merit could render an example of consequence the example of naaman was important. And yet we find the man of God gave him the permission so requested:—it is to be persumed it would not have been granted, if when granted it could have had a pernicious effect.—

This discussion, my Lords, can scarcely be misplaced in a country where it is notorious that the British commandant of the troops at Baroda every year performs an important part in a procession in honor of Gunputty. For the reasons already given I confess such an exhibition appears to me to have a very slight effect, if any, so far as religion is concerned. In other respects. I do not defend the system. It seems to be a bowing down in the house of Rimmon which is utterly uncalled for, and it may be derogatory to the officer so employed provided he be averse from the occupation. This takes place under the sanction of the Government of Bombay. Mr. Money is very eager to attack an unpresuming Captain of Artillery. why does he allow the backsliding of his masters to pass unnoticed or why should these defendants, who are so extreme to mark what is done amiss by Mr. Morley, suffer spiritual wickedness in high places to escape without note or comment?

Again, upon the Bengal side of India we know the East India Company provide silks and broad cloths, elephants and horses for the use of the idol Juggernauth. Except so far as the principles already laid down may apply I do not defend the practice. The sophistry employed in it's support, by those engaged in it, shows that their consciences are not void of offence upon the subject, and that, if the practice be indeed harmless they at least have not the intellect to perceive it.

But the defendants have also charged the plaintiff with having erected a Hindoo temple in order to commemorate an impious and illicit connexion, and to justify their conduct in this respect they alleged that Mr. Morley had built or caused to be built—not a Hindoo temple—but a certain building in the *form* of a Hindoo temple. In arguing the demurrer I commented on the insidious nature of this plea. It betrayed a lurking consciousness that whatever Mr. Morley might have done, he had not erected any Hindoo temple or pagoda. The filing such a plea marked the craftiness and cunning of the parties, and should be esteemed an additional offence.

I would further submit that by the very terms of the plea the defendants convicted themselves of having published a false and malicious libel. They alleged that Mr. Morley built or caused to be built [illegible]ucture—not in order to commemorate an im[illegible]nnexion—but as a monument or [illegible]deceased. The wish to [illegible] was their own [illegible]t the same mo[illegible]atiou they in a [illegible]owing, that the [illegible] purpose. [illegible]al distinctions, [illegible]eady said, name[illegible]uld not have in[illegible]nnexion, then, [illegible]onument to a [illegible]icit intercourse [illegible]building a tem[illegible]ous and illicit [illegible]hat has ta[illegible]on the Plain[illegible]is trial would

probably accrue to the whole transaction, it may be assumed, that had the plaintiff built any memorial of such a woman as that alluded to, such building would in effect commemorate the illicit connexion. That however would be the fault not of the plaintiff but of the defendants;—it would be a [illegible] grievance to the plaintiff, and would be [illegible] ravation of the injury inflicted.

As for the intentions of Mr. Morley, I submit whether it be consistent with human nature that a man should wish to commemorate his own folly or disgrace. We know that however a person may indulge in dissolute or irregular passions it yet is an indulgence which he would fain bury in oblivion. We must all be sensible that although a man may experience attachment and regard towards a woman with whom he is connected by illicit ties, and although upon her death he may feel affliction and regret, and a weaknss inducing him as far as possible to preserve her memory, it is yet not very probable he should feel desirous of commemorating either her criminality or his own. Hence if any monument should be erected by him with respect to her, the object would be merely to record the fact that such person had once existed, rather than to blazon forth to society, those vices and follies of which he and she had equally been guilty. Thus, if it appeared Mr. Morley had erected a memorial, of such a woman, the fair and charitable construction, would be that he merely intended thus to mark the spot where her remains were laid. In such case it would not be my province to advocate his taste or feeling, I should merely contend that to charge him upon such grounds with having designed to commemorate an illicit connexion, was to put a very violent and overstrained construction on his conduct. We need not go back to the days of Charles the second for instances of an English King conferring titles of nobility on his illegitimate offspring, such offspring having no peculiar merit of their own, but being chiefly indebted to the baseness of their birth for their elevation. The father merely indulges his paternal weakness in thus giving titles to his children. He would gladly bury an oblivion their ignoble origin and his own illicit connexion with their other parent; and it would be going too far to accuse him of designedly commemorating an impious and illicit connexion, although in thus ennobling his progeny he unquestionably does commemorate both their father's frailty and their mother's shame.

Your Lordships will consider these matters when you come to estimate the amount of damages to [illegible] will remember how the defendants be awarded. For will have aggravated their misconduct by puting these crafty insidious pleas upon the record; how, upon their own showing, they had no reasonable cause for preferring such accusations; and how, upon their own showing, they put a most violent and overstrained construction upon the acts they falsely imputed to the plaintiff. You will also have in view the very gross and scandalous nature of the libels, and you will be sensible that a small amount by way of damages can neither be a sufficient compensation to Mr. Morley, nor can adequately mark that indignation at the conduct of the defendants which under all the circumstances, the Court must inevitably entertain. You will likewise recollect that in thus coming forward to vindicate his character, Mr. Morley must have endured much anxiety, and must have suffered much personal inconvenience and expence. It will be in evidence that when this action was commenced Mr. Morley was stationed at Belgaum; that from Belgaum, in order to prepare for this trial, he proceeded to Bombay, and that from Bombay, for the same purpose, he went to Ahmednugger. He has now returned, to Bombay and when this trial shall be concluded he must return to Belgaum to resume his military duties there. Thus he will have travelled several hundred miles—journeys which in this country cannot be made without some personal danger, and certainly not without much personal inconvenience and expence, and besides, whilst absent from his duty it may be presumed he has suffered the loss of pay and allowances to which by remaining at Belgaum he would have been entitled. I have no doubt these matters will be duly considered by your Lordships, and I shall now proceed to prove the affirmative of the general issue.

The publication of all the libels was here admitted by the Defendant's counsel, and Mr. Roper proceeded to call evidence.

Mr. F. McAlister sworn.

I am a clerk in the Adjutant General's Office, I know the Plaintiff Mr. W. Morley, he holds the rank of Captain in the Regiment of Artillery. I think I know the signature of Sir Thomas Bradford late Commander in Chief, also of Sir John Malcolm late Governor, they are not now in the country (a paper was here shown) to the best of my belief these two first signatures are those of Sir T. Bradford and Sir J. Malcolm, the seal is that of the Hon. Company. The other two I believe to be of Mr. Warden and Mr. Goodwin, but I dont know their writing. The Regiment of Artillery is that of the Bombay Presidency belonging to the Honorable East India Company. It is the habit of the Adjutant General's office to get returns of stations at which officers may be. In July last the Plaintiff was at Belgaum. He obtained permission last August to proceed to Bombay and Nugger from Belgaum for settling some private affairs. These papers are the Commander in Chief's General order containing his leave from the 1st September to 31st December. He reported his arrival in Bombay in September last (here the entry was show[illegible])... ... ...This book is the Government and Commander in Chief's General orders, printed by the Government Gazette Press, by the authority of Government. I know it from Government Orders. The orders are sent in the M. S. and are printed under the Superintendence of the Adjutant General.

By the Court.

This book after printing is kept in the office as a record. Mr. Morley arrived in Bombay on the 24th September. He reported his arrival in the Adjutant General's office on the 24th September. I knew his hand writing and here is his name to it: it is customary to do so: he left Bombay to go to Ahmednugger: he reported his departure for Nugger on the 9th October: this is also his own hand writing. Military duty required his presence in Belgaum. Belgaum is about 140 miles from Bombay: Ahmednugger is about the same distance, but in an opposite direction. I never was at Nugger: it is stationed under Bombay: Nugger and Ahmednugger are the same.

Dr. Edwards sworn.

My name is Edgcomb Edwards, I am an Assistant Surgeon in the service of the Hon'ble [illegible] India Company: I know the Plaintiff Capt. Morley, I know the Defendants Mr. J. Wilson, and Mr. Cyrus Stone, (speak up) I called upon Mr. Stone without any particular object in view: but I spoke on the subject at the time, the publication in the Oriental Christian Spectator. I know

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Dr. Cunningham. I had a conversation with Dr. Cunningham who requested me to *mention* it, but I did not think myself authorized to do so in *that* ut merely in the course of conversation. I re- said the publication was issued. I welt to sp[illegible]t the June Number: this was about the first or [illegible]nd week in June I dont recollect whether it was then issued or not, I said to Mr. Stone that Dr. Cunningham had requested me to speak to him: that he thought it would be better not to publish the letter alluded to in notes to correspondents. I understood Mr. Stone to say the No. was published, so far my memory bears me out. I merely remember what I have just stated, I had not seen the 2nd No. at the time for I don't take the work in. I am in the habit of reading it; when this conversation took place I was residing with Mr. Taylor at Byculla, of the C. Service, Warehouse keeper, Mr. Taylor did not take in the work

By the Chief Justice.

I had then read a No, of the Oriental Christian Spectator containing notes to correspondents: a friend lent it me, Mr. Cunningham is an assistant Surgeon at present in Bombay, I am not competent to answer whether the work is issued regularly or at uncertain periods.

Mr. John Coward, sworn.

I am the Agent for the Proprietors of the Orienantal Christian Spectator (the witness was here cautioned as to what he said.) The Oriental Christian Spectator is not published through me but by the Proprietors, and given to me to sell to Subscribers, it is a monthly publication, it does not come out regular, sometimes on the 1st of the month, sometimes after. In June last, I can't say when it was given, it was given sometimes on the 5th or 6th, generally between the 7th and 8th.

Capt. Morley's Commission was here put in and read; the applicability of the libel to plaintiff denied by Mr. Phillips.

Dr. Edwards recalled.

I know the Plaintiff Captain Morley, I did not know who the first libel applied to, the 2nd I inferred alluded to Captain Morley from his name being mentioned, I had a conversation with Mr. Stone on the subject: I don't know exactly that I alluded to any names. I alluded to the publication. I have been at Ahmednugger 4 years ago. I don't know to whom the first libel referred the second I inferred applied to Captain Morley, I dont know of any Captain Morley in the Bombay Army except plaintiff.

Cross-examined by Mr. Phillips.

My reason for inferring the 2nd publication applied to Captain Morley was because it is there written in the paragraph "MORLEY's house of worship." Dr. Cunningham stated to me that it alluded to the same person: I don't remember any other gentleman of that name, I know there is a Barrister of that name in the Court, but he does not belong to the Artillery.

Mr. Coward recalled.

I have read the publications and understood them to apply to one Morley: don't know Captain or Barrister: (here the publication was put in his hand) I see it refers to a Captain of Artillery. I don't know the Plaintiff nor have heard of him except in Court.

Ven. Mr. Carr sworn.

I am Archdeacon; I am just acquainted so far as to know Plaintiff: am not intimate with him: I know the publication call d the Oriental Christian Spectator, I saw the Gazette before I read it and then read the publications, and from this and conversations I gathered who the person was. I was present when the subject was mentioned and when Mr. Wilson was present: I am scarcely able to say whence I gathered my information, I should rather say I gathered the whole from conversations and newspapers. There were allusion in the conversations when Mr. Wilson was present that seemed to refer to Captain Morley.

Revd. Mr. Jeffreys examined.

I am a clergyman on the Bombay Establishment. I was aware of the publication of the these articles although I never read them, I was aware of their general purport: I was (on and off many years) chaplain to the Artillery: know of no other Captain named Captain Morley: no other officer of that name that I am aware of.

Captain Matthew Law examined.

I am a Captain in the Bombay Artillery: I know Captain Morley the plaintiff, he is Captain of the Artillery immediately below me; there is no other Captain or other officer named Morley. I was at Nuggur from February last till very lately. Captain Morley was stationed there for a short part of the time: I think he left in March: he was in orders for Belgaum: he was before stationed at Ahmednuggur.

Cross—examined by Mr. Phlips.

I left Nugger the 17th of last month, all the rest of the time I was there since Frebruary except 8 or 10 days.

The Libels were here put in and read.

Mr. Philip's for the Defence.

MAY IT PLEASE THE COURT.

As some delay has arisen out of the formal proof of my learned friend's case, I think it right at the very outset of the observations I have to make, to say that in putting him to the proof of his innuendoes, and the account that Captain Morley was an Officer of Artillery in the Company's service, my expectation was that he would for both purposes, have called some of his brother Officers and proved him acting in that capacity, wearing their uniform, pointing a gun, or doing duty in that department—as far as I was concerned such proof would have quite sufficed, and from one or other of them I thought to extract some general evidence as to current reports at Ahmednuggur. I did not seek for or contemplate the production of the commission. Now in shaping my defence to the case as it stands on the record, and it certainly comes in a peculiar way—I apprehend it will be open to me to take this course. In the first place to state generally to the Court the evidence on which I am to rely, in support of the justification on which issue has been taken, and then from the facts in my brief, and from what I can gather from my [illegible]d friend's evidence, I shall be entitled to con[illegible]nder the general issue, not merely the general [illegible] and tendency of the publication in question, as to whether it be libel or no libel; but with respect to damages whether what has been written, was written with or without probable occasion—if your Lordships shall be with me on the general issue, the rest of the case will be but of small consequence, and at all events, I mean to rely on what may come out more or less in the plea of justification to neutralize the effect of any verdict that might be against me. Before however, I touch upon the [illegible]ome doubt has been raised on the [illegible]sh to refer your Lordships to the autho[illegible]rder which I mean to claim under the gene[illegible]ssue, the full benefit of any evidence that [illegible] fall short of the justification, and yet tend to [illegible]ative the presumption of malice and the want [illegible]probable cause. It is a dictum of Lord Ellenborough's in a note to the case of Wyatt v. Gore. page 307, in the 1st Holis N. P. C. "something short of the truth, and to shew a probable occasion of speaking or writing the defamatory words may be given in evidence under the general issue." So far "says Lord E." I assent to the case of the Earl of Leicester and Walter and no further." Rex v. Perrott, H. T. 1814.

Now the case of Lord Leicester and Walter was decided by Sir James Mansfield in 1809, it was much canvassed at the time and was constantly referred to in subsequent cases of libel, and we have Lord E.—a great master of the law of Evidence deliberately acknowledging its authority, as far as I wish to carry it, five years after. I mention this because the case has been severely impugned in the Court of Exchequer at a later date, and I have no wish to keep back that a distinction has been taken as to the admissibility of such Evidence in cases of libel and slander, between those where the general issue only has been pleaded, and those where a justification has also been placed upon the record, That distinction was taken in the case of Snowden. *v.* Smith in a note to the case of,—v. Moore. I. Maule and Selwyn 286, but then I find in a note to page 250, vol, 2. of the seventh Edition of Philips on Evidence, where this very case of Snowden v. Smith is also noted, that in Mawbrey and Barke. Lincoln, Summer Assizes 1826, (a circuit which by the bye Mr. Philips himself went) where a justification was pleaded together with the general issue, general Evidence was admitted by Lord Tenterden as the safer course. Where then is one naked authority, against another, save and except that Lord Tenterdens' is of much later date. As far as mere authority goes, I have also the cases of Knowel v. Fuller decided by C. J. Eyre, and referred to in Peaks Evidence page 328, and the case of Mills and Spencer by C. J. Gibbs in the I Holt, 5 15. Here are the authorities of five most distinguished Chief Justices as to the admissibility of such Evidence in reduction of damages under the general issue, and for the principle of the distinction where a justification has also been pleaded, I shall refer your Lordships to a note to page 369 of the 2nd volume of "Starkie on Evidence" which touches on the adverse case of Snowden, v. Smith, and bears most closely on this case as it now comes on for trial—I press the admissibility of such evidence, because from the turn the case has taken if I am cut short here, I may be left altogether in the lurch. On these authorities I rest—they appear to me sufficient—and I am not aware of any others.

My learned friend has been very severe on Mr. Money for meddling as a proprietor with this publication, he being a civil servant; all I have to say as to this is, that Mr. Money is amenable to his own authorities if he has infringed the rules and regulations of his service. There is however another expression which I thought had escaped my learned friend in haste, but which I feel it my duty to my clients to notice and that is "Missionary slang"—my learned friend now assures me *that* I have altogether misconceived him; with reference to this however, he has paid Mr. Money the compliment of supposing that he, as a gentleman of education and ability, could have had no hand in these paragraphs. Now Mr. Money is far too generous to shirk his share of the odium attached to them, if any odium can possibly attach—he and Mr. Wilson are alike gentlemen of education and ability, it is not necessary for me to specify what passages may have been penned by either, it is enough for me to say and I say it at their suggestion, that they were both contributors to these supposed libels, and that as to Mr. Stone it so happens he did not pen a line of them. In regard to the evidence in justification, we come to trial under a serious disadvantage.—I was in Court on Friday last to move, if this case had then been called on that it might be postponed for a few days on account of the sickness of a most material witness: but on that very day a certificate came down from Nuggur, which put it out of the question that this man, who was neither more nor less than the contractor for the building, could be here this term, and between this and then my clients, who have no money to spare, have preferred letting matters take their course, to incurring the additional expenses of delay which as Ahmednuggur is the real venue in this action, and most of Captain Morley's witnesses came from thence, would not have been trifling.

The evidence therefore to which I am thus reduced will be shortly this—I shall shew that a building in a conspicuous, situation near the Fort of Ahmednuggur, and in the form of a Hindoo Pagoda was completed about January last, that afterwards flowers were seen strewn in it and the usual Hindoo symbols, and that in fact the vessels used in all Hindoo Temples were observed in actual use there—That in this building, in this form, and converted to such purposes, there was observed this inscription "Morley's place of worship." This in itself might be slight enough, it was however sufficient to excite attention, and in a small place like Nuggur, the name of an officer holding the rank of captain was likely to be familiar to every one there. I shall shew by another witness, that this very building, which was quite dissimilar in shape and materials to all the native tombs in and about Ahmednuggur, was generally understood there to have been built by Captain Morley, and to have been built by him in commemoration of a native woman, with whom he had co-habited. I shall also prove a conversation between this same witness and the Plaintiff, in which he was told that this temple was called his, Morley's house or place of worship, and that on his asking who called it so, it was distinctly stated to him that it was so currently reported throughout Ahmednuggur, on which he made no further observation, neither admitting nor denying the fact. Now that his silence did not arise from inadvertence or inattention to the remark, is plain from the question his curiosity led him to put, and I submit, that it is not a little surprising that when the circumstance was then pointedly brought to his notice by a Brother Officer, he should not at once have contradicted the report or entered into some explanation if he had had it in his power to do so. There was no occasion to entrench himself in silence: if the report were too trifling for notice, why [illegible] ous to learn who had spread [illegible] that a very serious imp[illegible] and that if he had been ab[illegible] would have been eager to [illegible] told him must have conv[illegible] mind—that his name as a[illegible] ing in the service was pu[illegible] saction open to unfavo[illegible] must have been strangely [illegible] in this country and at [illegible] such matters were likely [illegible] learned friend has allud[illegible] and Government of Indi[illegible] Hindoo usages, to this [illegible] when, with the utmos[illegible] dices and feelings of [illegible] like a promotion of i[illegible] bitterly and justly [illegible] notwithstanding the plaintiff could not have imagined, that an active furtherance of them by a private individnal, and under such peculiar circumstances, was an imputation not at once to be met and set at rest, if he had it in his power to do so. My learned friend has also spoken of contributions and Roman Catholic places of worship, I presume that he, with six-sevenths of his countrymen professing that faith, does not mean to put their Churches on a footing with Hindoo Temples, to class them with mere idolators, who, differing in shades, or more than shades as the Protestants deem it, still own with them a common founder of their faith and share their denomination of Christian. There is another circumstance which I wish to mention as an indication of the general feeling at Nuggur on the subject of this building, and the light in which it was viewed there, after it was completed, and bore the name of Morley's house of worship; it was very much injured, the walls were broken in, and other damage done: now the natives are not given to such acts of violence, nor was there the slightest reason for laying the demolition at their door, and as to Europeans they never would have ventured on such an outrage to any tomb or temple, Hindoo or Mahomedan, the orders on this head are peremptory, and must be well understood at Ahmednuggur.—Had this building been entitled to the common protection, an enquiry would have been immediately instituted by the Civil authorities there. I have no direct evidence as to the persons by whom the injury was done, but taking together the inscription, and the injury, and the impunity with which it was committed, I think I am not asking too much of your Lordships to infer that, it was defaced by Europeans, and that it was defaced by them as a building which even after it had been converted to Hindoo purposes, was still looked on, not as sanctioned native Temple, but as the work and contrivance of Captain Morley. As to the motives of my clients I cannot help thinking, that my learned friend must have been at a loss to make out malice on the face of this publication or he never would have sought for it extrinsecus in on such evidence as that of Dr. Edwards. As to motives I think it quite enough for me to say, that the work in which this publication appeared, was professedly devoted to religious topes. What was written under the sincere impression that a flagrant public scandal had been committed. The paragraphs, or a portion of these may have been roughly and uncouthly penned, I am not here to uphold them on the score of taste or style, nor are your Lordships sitting as literary censors; at the same time I think my learned friend has laid too much stression particular expressions, 'his masters service' appears to me to be no more than this, that what had been done in violation of the precepts of religion and morality, had been done at the instigation of the spirit of evil—a mere truism—considering the impulse under which this was penned, I declare I do not think it exceeds the bounds of a just invective. Was it to be expected of a religions writer on such a topic that he was adopting the Horatian strain.

"————— Sir Billy served the Crown.————
Blosset could do business. Higgins knew the town."

Because he has written roughly is he therefore a libeller? I claim for my clients the same latitude herein and full freedom of expression which is conceded to other public writers literary and political with far less pretensions to bona fides. I say others [illegible]ers and on public topics—and it is most [illegible]ess this point—I have not forgotten [illegible]d's opening, that his client, a quiet Captain of Artillery, had been dragged into public notice. I press it because I am well aware how much it would be to the prejudice of my clents if it could be made out against them, that they had followed any man into his domestic privacy even with the best intentions. I am very sensible how we one and all from the highest to the lowest in this Court and elsewhere, must in our secret souls be prejudiced against any thing savouring of a domestic inquisition through the press. I know of no tyranny, that would be so unbearable as this. It would undoubtedly overshoot its mark—it must result in the wild justice of private revenge, or the introduction of the extremest hypocrisy; but the case is not so here; here there has not been a prying into the private wherebouts of any man, what has been noticed was made matter of publicity by the Plaintiff himself without whether he acted from whim, caprice or heedlessness and bravado of public opinion, matters not: here there was an intrusion on the public of what it was due even to society to keep back,—no man is at liberty to parade his amours before the public eye. In these matters there is nothing like an illustration and I should wish to know whether if any man in Bombay were to build a tomb on any thing in the way of monument or memorial over his mistress either on the Esplanade, if he had the freehold of a nook there, or at the Breach, or any other public resort here if the voice of society were not strong would it be tolerated for a week, or a day, or an hour—if the voice of society were not strong enough to level it, the press would at once and most legitimately interfere, and in such an instance the press would most clearly demonstrate its paramount utility One of the old objections to pleading the truth by way of justification of libel was, that if a man were guilty of an offence he should be proceeded against in a local way, and not reflected on in that manner; but here would be confessedly a nuisance, and yet the thing would be beyond the reach of an indictment on a presentment to the Grand Jury, the mere coldness of Society would not be likely to weigh with the man who had committed it, such practices are only to be kept down by the wholesome awe of public reproach. Even setting aside any religious feeling, there was enough here to have called forth the censure of a mere man of the world as an infringement of bienseance, and connected as it was with points on what my clients are most zealous and sincere, I do submit that the whole transaction presented a most legitimate subject for the severest censure. Think for a moment of the impressio[illegible] likely to be produced on the ignorant nati[illegible] were not likely to sift and [illegible] need not remind your Lordships that you are sitting here not to punish my clients, but to compensate the Plaintiff if he deserves it. I submit that to give him damages would indeed be to convert the shield of the law into a sword. When I speak of damages, I by no means intend to give up the general question of libel or no libel, on that I have sufficiently observed. There is another point of my learned friend's address which had escaped me, but which it is suggested to me to notice, namely that the building and maintaining any number of mosques or Pagodas throughout India, would not have the effect of making a single convert.—A myriad of such buildings I admit might have no effect on the minds of Europeans, but they would certainly tend so sanctioned and so supported to confirm the natives in their heathenism, nor could any exertion of missionary zeal counteract such influence. I have only to add that as far back as June last, a communication was made by my clients to the attorney for the Plaintiff, which might have resulted in an amicable arrangement—notice has been given to produce that letter, but as it contains a reference to matter which came to the knowledge of my clients under a pledge of secrecy, I have no desire to put it in.

Revd. Hollis Read sworn.—I am a Missionary at Ahmednugger, of the Presbyterian church. I reside at Ahmednugger, I was there from January to 8th March, and then again on the 8th June I returned—absent three months. There are native tombs in and about Ahmednugger. Some at a quarter of a mile or near the fort. Near the river which runs south of Ahmednugger Fort, I saw, in November last, materials and workmen. I frequently observed the same spot and saw from time to time a stone building being erected. It was near my dwelling. I saw it about eighteen days ago. I have seen it complete, I could scarcely go out without seeing it, it was in the form of a Hindoo Pagoda about twelve feet square, perhaps fourteen feet high, with a cupola, the whole height to the top of the cupola twenty feet. I frequently r[illegible] by, it was very near the road as I passed: a[illegible] dred yards from the Govt. road from Ahm[illegible] gur fort to *(inaudible.)* The private roa[illegible] er. There are several principle roads [illegible] fort to the Artillery lines, this was [illegible] frequently nearer than one hun[illegible] frequently at the building, I hav[illegible] I saw the idol Muhadeo and the [illegible] nee and the Nundee Buil and the [illegible] is another name for Shiwa. I [illegible] materials of the cupola—the [illegible] stone, walls of pucka brick[illegible] are tombs (of Hindoos and [illegible] temple, they are of stone, [illegible] feet wide and 6 feet long. T[illegible] together different from that o[illegible] the temple afterwards mutilate[illegible] ter the completion of it, and the[illegible] were broken, and the walls wer[illegible] on two sides. The usual signs [illegible] in actual use would be flowers [illegible] throwing the water. I have [illegible] flowers about the neck of Shiwa [illegible] and the lights burning in the [illegible] distance. I observed also, the w[illegible] thrown on the gods as it has bee[illegible] drain made for that purpose on [illegible] wall. I have observed the people [illegible] and have gone there to address th[illegible] capacity, Hindoo temples do not [illegible] scriptions. In this temple I saw s[illegible] al. I have seen inscriptions sever[illegible] or charcoal: at one time I saw t[illegible] English "Morley's place of worsh[illegible] front, on one side of the door, nea[illegible] large characters; I have seen diff[illegible] such as names of persons. The tw[illegible] temple were broken in the middle, [illegible] or 10 inches in diameter, the wall[illegible] of two pucka bricks, the door w[illegible] en apparently with stones, jammed an[illegible] and the chunam figures (not images but[illegible] of the temple) were beaten off; I at the[illegible] observed the images broken in pieces, I [illegible] a Hindoo or Mahomedan Temple in such [illegible] I have no acquaintance with the Plaintiff, [illegible] heard of such a person spoken of as Captain M[illegible] of the Arty.; I heard he did reside at Nugge[illegible] have heard it frequently spoken of: first heard th[illegible] *Malee* Sahib built the temple, not knowing his existence, I afterwards on enquiry learnt it was Captain Morley. The only report I heard was that Captain Morley built this place called a temple. I know a man who has been frequently to me, who said *he* built the temple. I heard the report that it was built over the ashes of a woman with whom he had lived a long time.

Cross—examined by MR. ROPER,—I sent for that man not on that business, but on another: I did not say I wanted a plan or repair of a tomb: I sent for him to consult on the business of repairing a Musjeed, no relation to the temple in question. I have been in India for 3 years; have travelled in the Concan and Deckan, not much in the Concan

Q. Did you never see a dome on a tomb lik[illegible] that on this temple?

I have seen nearly a similar dome on a tomb [illegible] formerly occupied a house in the Fort Petta[illegible] half mile from the tombs, afterwards 3 mi[illegible] I keep a horse, and both ride and drive: [illegible] along the banks of a river to the south[illegible] nothing to do with the paper, I sometim[illegible] correspondence.

Q. Are you the author of the letter? [illegible] chose to answer.)

The crowd collected were usually [illegible] have seen European Soldiers from a di[illegible] never seen a European Soldiers [illegible] with a native. I never saw them[illegible] not very frequently natives co[illegible]

Q. Were you in the [illegible] people?

A. I ha[illegible] gos[illegible]

A. I asked her to come down: I said she would be taken before a magistrate for purpose of making an affidavit.

Q. Did she show any reluctance to make an affidavit?

A. She showed no reluctance whatever, she said she would give it: it was not taken: I sent for her with another person to commune with her.

Q. How often did you send tor her.

A. I sent for her only once.

Examined by Mr. Phillips.

Q. Whom did you send?

A. The person whom I sent was a sister of the person who died and was buried.

Q. Did she betray any alarm.

A. She asked me was there any disturbance about the temple. There was nothing in the least in my demeanor to alarm her.

In answer to a question by the Chief Justice.

This person said she was the sister of the woman who was buried. I only learnt her name by common rumour. I have no personal knowledge of her.

By Mr. Phillips.

Common rumour said such a woman of such a name lived with Captain Morley such a time, that she died, was burned, and her ashes buried under the temple.

John Cosgrave, Wright examined. I am an Ensign in the 8th Regiment: Have been stationed at Ahmednugger about 4 years. I have been with it since May 1832, till September last. That was the first time I left it for any distance. There are several native tombs about Ahmednugger; several near the Fort. I have observed this temple said to have been erected by Capt. Morley. I mean that this does not appear to have any distinguishing mark of a tomb about it. I have been to the door and inside: I saw 3 Idols near the door there is an image of Nundee, a Brahminy Bull: the Goddess Yonee: a human figure: flowers and strings, also a powder called huldee, turmeric, on the body of the idols, a censer and pots also for burning oil. [illegible] building was in complete repair when I first [illegible]it. It appeared inside to be 6 or 8 feet square, [illegible] a little thicker, on a foundation of 3 ft. high, [illegible]rside 9 feet high, and on the top not ex-[illegible]me, but a kind of spire. I have observed [illegible]doo and Mahomedan tombs in Nugger: [illegible] spire: repeatedly with a dome. When [illegible]wards it was partially dilapidated. [illegible]2 inches thick, had holes knocked [illegible] I scarcely remember whether I [illegible]), but it is probable. I saw an [illegible]sh, in large characters "Mor-[illegible] the wall was of [illegible] about the top there was some [illegible]n the banks of a Nullah south [illegible] 1000 yards from the Fort, [illegible]s and common Garree roads, and [illegible] roads passing near the Fort. It [illegible]to be seen from the roads. You [illegible] it at least mile off. The building [illegible]ns near it like it: nothing so highly or [illegible]know the Plaintiff very imperfectly, [illegible]ed to him, have had some conversa-[illegible]s subject, which I had rather be ex-*(order by the Court.)* I was coming [illegible] house, to my own. Met Captain [illegible]y road at 10 o'clock at night, he was [illegible] Belgaum; he was going in a Bullock [illegible]ed it I called out "how dy'e do," or [illegible]kind; he was apparently half asleep, [illegible]rose and asked where he was, I point-[illegible]t, the town, and [illegible] so the temple of [illegible]en speaking.

[illegible] one had written "Morley's place or [illegible]" on it; he asked me who did so? I told [illegible]r: nothing more was said of the subject [illegible]. That is all I recollect of this conversa-[illegible] report at Nuggur about the building [illegible]ptain Morley's name. I heard that [illegible] had built the temple or caused it to be [illegible] to commemorate the woman who lived [illegible]d many reports on the subject, some [illegible] it, others that he did not, different [illegible] out as builders. I heard that the [illegible] buried there had caused it to be built. [illegible]r two years; most have heard the re-[illegible]aptain Morley built the temple several times. *put and an objection taken and granted.)* The [illegible]rom Mr. Gainsford,

examined by MR. ROPER.—Were you not [illegible]the Co urt had decided the question to be improper? [illegible] decline answering.

[illegible]e Court decided he was bound to answer.

A. I was scarcely aware; not exactly certain. I am intimately acquainted with last witness Mr. Hollis Read: am partially acquainted with Captain Morley, he has never been at my house I have been once at his.

I am not a very intimately acquainted with any Officers in my own Regiment. The Regiment has a mess. I mentioned before the hour I saw Captain Morley in this Bullock Garree, it was about 10 o'clock at night. It might be a mile or might be two from the Fort, I never measured and my road does not lie that way: I was not aware that Captain Kennett was there. There were the Garreewalas on the Garree and Ghorawalas behind leading a horse

Q. Was the Garree on springs?

A. It was on wheels. I dont know if on springs? From what I recollect is was differently fitted up from most: I saw no springs. Captain Morley did not desire me to get the scribbling rubbed out: I did not know Mr. Kennett was there. There are not any tombs of that description near the temple, if that is a tomb there are some tomb-stones, little erections of stones and chunam: there may be 20 there for what I know, apparently there are many bodies buried there, and many are burnt near there.

Q. What are the distinguishing marks of a tomb?

A. When we look for a tomb, we expect to find some-[illegible]ve and sombre about it, on the contrary this was [illegible] in yellow and red paint. When I said dis-[illegible] marks I meant that, and had in my mind a [illegible] to the construction also.

Q. [illegible]d it a spire?

A. [illegible]dome I conceive to be on an arch; this does not [illegible]o be narch being an planks: the ceiling is ap-[illegible]flat, that this one of my reasons for saying it [illegible]. This is divided into a series of sections [illegible] the centre and growing sharp to the top [illegible] of flowers, rings and other ornaments [illegible]an draw, not like on artist. (Paper [illegible] handed to witness who drew the [illegible]r or may not be as great as this [illegible]ay be greater it may be less, [illegible]re like this on the [illegible] difference in [illegible] seen

thus preserved the recollection. I might have mentioned it simply to let him know it was the case, but can't be very positive about it.

By the Chief Justice.

I noticed it down about the time of last sessions when the case was put off, I expected at the time I should have been called over to Bombay last sessions. A friend of mine who knows more about it, was either sick himself or his wife, and did not come.

Chief Justice. And he wished you to come and give evidence in his stead?

A. Yes.

I dont know whether he knew of the conversation between me and Captain Morley, I recollected it suddenly when I was thinking over what evidence I could give on the subject. He did not ask me to go down without knowing what evidence I could give; he knew I could vouch to the existence of such a temple which we believed the principal fact. It is very probable I communicated before I was asked to come down as a witness, the conversation, before the cause was put off last session, but I cannot exactly remember either to whom or the circumstances under which I mentioned it, or whether before or after, I believe to Mr. Bogges.

Q. If you mentioned it before why did you make a note?

A. My confusion arises as to the date before or after I made a note, because we did not know up at Nugger, whether the cause had been put off or not. I thought it most probable I should be called on and a letter I received stated it was put off. Mr Read was out of Ahmednugger at that time, from that I expected I should have been called upon as a witness.

Q Did you make a note at the time?

A. I did not make a note at the time of the conversation.

Q. But you recollected the circumstance?

A. I recollected it then and afterwards.

Q. And then you made a note?

A. Yes, I took other notes.

By Sir John Awdry.

Q Will you state why if you made a note, you begged to be excused from giving the conversation to-day?

A. I dont like repeating private conversations in a public court. I thought it would be as well in my note book if required, I had no idea of its importance.

Mr. Roper.

MY LORDS.

I deem it is quite unnecessary to produce any evidence to rebut what has been adduced by the Defendants; I shall then simply have to offer some observations upon the remarks made by their counsel. Mr. Phillips set out with a large panegyric upon his own liberality, he would not forsooth put us to the trouble of proving the plaintiff to be a Captain in the army, unless it had been in the hope of our putting witnesses into the box to prove that fact, from whom he could have elicited something against my client. I had formerly no objections to go into the very head and front of the offences charged to the plaintiff but refrained for the sake of public decorum. No evidence has been produced on this matter, there was indeed an allusion made by my learned friend to Mr. Patch who it was hinted could produce a letter that would make against us; we dared him to produce it, he declined doing so: and if the whole head and front of the transaction as exhibited in that letter had been laid before the court I contend that I should still have a right to large damages. It is a rule [illegible] through that rule, and though I allow that some latitude.—

Sir John Awdry.—Was not the intimation meant to be conveyed that the Defendants co ld prove their willingness to enter into an amicable arrangement? That at least was all I understood.

Mr. Roper.

"That was one point, and this shews the great advantage of this cause not being tried by a Jury——but by your Lordships, who from your knowledge of law will be led to reject matter, which might make a very improper impression upon the Jury.

Sir John Awdry. Why really Mr. Roper it was touched on so very briefly that had I been charged a Jury I should think it incapable of making any impression upon their minds unless I directed their attention to it by my remarks.

Mr. Koper.

Well my Lords, they had the opportunity of calling the witness, and they declined, concealment there is none on our part, concealment if any, [illegible]on their own shoulders.

My learned friend contended [illegible]ght to give evidence in justification [illegible] the same evidence in mitigation of damages whenever it fell short of actual justification, and certainly he has produced authorities from which it would appear, that proof offered in justification when falling short of full justification *may* be received in mitigation. The Defendants here have however a peculiar advantage--they have pleaded the general issue and they have put in two special pleas of justification to most important parts of the libel. These pleas were overruled, but, as the third pleas embraces substantially the same matter as the two pleas which were overruled, they thus were enabled to avail themselves of Evidence both in justification and mitigation. With regard to my remarks on the Missionary slang. I certainly could not impute that letter to Mr. Money from his known acquirements, nor to Mr. Wilson whose works sufficiently evince him to be a gentleman of education and research. Mr. Stone, the third Defendant I did not know. They have however made common cause with the writer, and my Lords, I think we can now be at no great loss to conjecture who was this "Great Unknown" We have heard the evidence of the first witness for the defence, he kept his horse and took his ride by the river where this temple was situated, and declined answering those questions which were put to him as to the authorship of the letter. I had imagined they would have declined offering proof on the third plea, for it is obvious from their having declined to amend their first and second special pleas they entertained no expectation of being able to justify; yet they have had the audacity to bring witnesess to prove matters which they thought would reflect upon my client, but having agregiously failed have aggravated their original misconduct. Let us now examine the character of that evidence which *they have* produced: their first witness is evidently a person very much interested, Mr. Read; being in fact the author of the letter from Nugger. It is remarkable that in so[illegible]e part of his evidence he actually calls this alleged temple a *tomb*, though apparently discovering his error he soon corrects himself, and returns to the denomination of a temple: he does not deny connexion between the one and the other, but finally states it to be a temple. We have not disguised any thing, and it was for the Defendants to adduce full evidence of its being really a temple. With regard to their second witness, it is really deplorable that an individual in his station in life, should have given evidence in a manner so little creditable to himself. I have often seen natives incur the censure of the court for their conduct in this box, but never have experienced more difficulty in getting a straight forward answer to the simplest question. Is it possible to give credit to statements given in the manner in which this witness delivered his evidence? Much stress has been laid by my learned friend on the suppposed resemblance of the building he has spoken of to be a pagoda. Upon the evidence given. I submit, it must have more nearly resembled what in this country is called a tomb. Still what is called a tomb in India is not so different from a pagoda as what is called a tomb in England uniformly is, and advantage has been taken of the circumstance to excite a belief that if the [illegible]laintiff had been in any manner concerned in raising [illegible]ling alluded to he must have intended it to [illegible] pagoda, and that the building is

no reference to the commemoration of the impious and illicit connexion. It clearly is their object not to allow the Court for a moment to lose sight of the alleged fact, and I presume they plume themselves upon the notion that thus they will defame Mr. Morley and decrease his claim to damages. My Lords, I shall now, upon the other hand, submit that they had no right to bring such a thing, even if it were true, and we have had no evidence of it's truth, before the public; that by doing so they have aggravated their misconduct; and that to allow this supposed circumstance to diminish the amount of damages to be awarded, or in any measure to influence the case in a manner prejudicial to Mr. Morley, would in fact be allowing the defendants to take advantage of their own wrong.

I am not come here to varnish vice or folly. I am not come here as the apologist of the plaintiff;—but if I admitted that such a woman had lived with him as his concubine, I would go further and add that at the remonstrances of a friend he had put her away, and that she had ceased to be a concubine before her death.

To meet Mr. Phillips fairly on this point, and for the sake of argument, I would go so far as even to admit what Payley has said upon the subject—That fornication is injurious to society—that it corrupts and depraves the mind; that it is productive of villainy in low life, and manifests itself, among the upper classes in profligacy of public conduct. Hence as it is injurious to society it may be said society is entitled to take notice of it. Granted—but the question is, how, where and in what manner; and in this respect I say the defendants have violated those rules which the tacit consent of the society has established in such matters. We should first consider how offences of this description can most easily be checked, and upon this point it must be remembered that no penal enactments have ever been effectual to suppress criminality of this kind. Although the efficacy of such laws has occasionally been tried they have long since been abrogated, and even the penance and infamy formerly imposed by acclesiastical authority have now become obsolete and useless.

Notorious indecency, as Mr. Phillips observed, is highly reprehensible: it is indeed indictable, and for the same reason that I submit these defendants have done wrong in attempting to bring these matters before the public. An exposure of the particulars and details of vice is an insult to the public, and has a tendency to injure the morals of society.

In fact, such crimina indulgence is in itself peculiarly irksome and no man engages in it who does not, until he becomes utterly abandoned, struggle hard to escape its trammels. Nothing tends more to render his efforts ineffectual, or rather to make him desist from those efforts altogether, than the making his frailty public and notorious. He then, when he has lost caste and character, quickly becomes a callous, hardened profligate, and thus the defendants, by bringing forward this supposed illicit connexion, and by pointing out the Plaintiff as an object for public indignation, have, so far from justifying their conduct, in reality aggravated their offence.

Besides, the defendants have in this instance committed a breach of decency and decorum, and by trying to make public alleged [illegible] of the Plaintiff, must indeed does not consist in ignorance, but the contemplation and knowledge of criminality is injurious. Instances of licentiousness daily multiplying will weaken the scandal and the mind will become familiar with vice.

Again, my Lords, this is of all others, the offence with which one man should be most reluctant to upbraid another, for in no case is it more in a man's power to effect solicitude about the mote in his brother's eye whilst he is obstinately blind to the beam in his own eye. Whether the Defendants, like many other accusers, be or be not in this predicament, he alone can tell who is about their path and about their bed and spyeth out all their ways, for criminal indulgence of this description is always an affair of secrecy, and thus the immaculate purity or frailty of the defendants is a matter which rests very much in their own bosoms. At all events their experience might have taught them a little charity towards the failings of others. They are now all married men, but they may have felt the truth of the maxim, it is better to marry than burn. They may have had passions like other men, and if they not actually had their stolen hours of lust, they may at least have struggled with temptation, and had they been present when the woman was taken in adultery, perhaps not even one of them would have been entitled to be the first to throw a stone. Surely if Mr. Morley had been guilty of such irregularity it would have been better to have admonished him privately, and then to have told him to go and sin no more. Instead of pursuing such a course, however, the Defendants first wantonly and maliciously charge him with giving scandalous encouragement to idolatry, and with having built a pagoda to commemorate an impious and illicit connexion. They endeavour to drag him and his imputed frailties from privacy into open day. They hold him up as an object of public indignation, and then they endeavour to justify their conduct by assuming that certain acts were done and certain intentions were entertained by Mr. Morley, which acts he never did do, which intentions he never entertained, and then build upon such assumptions certain arguments, which I submit are utterly fallacious and untenable; that therefore the Plaintiff's case is unshaken, his claim to damages unimpaired, and that he is entitled to an ample compensation for his wrongs.

JUDGMENT OF THE COURT.

The Court gave it as their opinion that the matter published was undoubtedly libellous, and that the Defendants had not proved the facts advanced in justification.—There must consequently be a verdict for the Plaintiff; but, as the amount of damages depended upon the consideration of many circumstances, they took till the following day to deliberate. On Saturday morning the Court pronounced a formal judgment in favor of the Plaintiff, Damages Rs. 350, with Costs. The grounds upon which the Court gave this judgment, as far we could embody the remarks of the Chief Justice and Mr. Justice Awdry, were in substance as follows:

That the matters acknowledged to be published by the Defendants were libels on the character of the Plaintiff. That the facts aliedged by them in justification had not been proved—that the charges made being serious ones, called for serious damages: that from the circumstances of the case it was more easy for the Plaintiff to have negatived them than for the Defendants to have established the charges by direct proof: that though the Defendants had failed in proving the facts charged, yet neither had the Plaintiff brought forward his household to completely disprove them:—that it was indeed extraordinary the defendants had not examined in support of their charges an officer of the Plaintiff's own regiment, who had been called as a witness for the Plaintiff, and who appeared to have been at Ahmednuggur till very lately: that although the Defendants might have had difficulties with respect to procuring the attendance of native witnesses, yet that Europeans who had resided at Ahmednuggur might have been compelled to attend: that men were not entitled upon a vague report to bring forward such charges, and that according to the testimony of one witness there had been contradictory reports, one of such reports exculpating the Plaintiff; that under all the circumstances, and as no malice had been proved against the Defendents, although heavy damages were requisite, vindictive damages were uncalled for and the Court considered that 350 Rupees damages would meet the Justice of the case.

THE COURIER.

[illegible]AY, [illegible]OVEMBER, 1833.

[illegible]rial for libel in the Su-[illegible]ound above. This we [illegible]he *Gazette;* and, where [illegible]e, from notes furnished [illegible] correcting it.

[illegible]es in the House of Com-[illegible]ill will be found below. [illegible]ere published in our [illegible] copy of the Bill itself [illegible] received in passing [illegible]e as follows.

[illegible]ed. That the

in India shall not exceed 120,000 Sicca rupees per annum, including their visitations."

"And be it enacted, That, of the Establishment of Chaplains maintained by the said Company at each of the Presidencies of the [illegible] Territories, two Chaplains shall always be Ministers of the Church of *Scotland*, and shall have and enjoy from the said Company such Salary as shall from time to time be allotted to the Military Chaplains at the several Presidencies: Provided always, That the Ministers of the Church of *Scotland* to be appointed Chaplains at the said Presidencies as aforesaid, shall be ordained and inducted by the Presbytery of *Edinburgh*, according to the forms and solemnities used in the Church of *Scotland* and shall be subject to the Spiritual and Ecclesiastical Jurisdiction, in all things, of the Presbytery of *Edinburgh*, whose judgements shall be subject to dissent, protest and appeal to the Provincial Synod of *Lothian* and *Tweedale*, and to the General Assembly of the Church of *Scotland*."

"Provided always, and be it enacted, That nothing herein contained shall be so constructed as to prevent the Governor in council to grant from time to time, to any sect or community of Christians not belonging to the church of England or the church of Scotland, any sums of money that may be required by them for the purposes of education, or the erection of places for public worship."

"Provided always, and be it enacted, That nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given, directions ordering or authorizing the payment of any extraordinary Allowance or Gratuity, or the increase of any established Salary, Allowance or Emolument, unless in the cases and subject to the provisions in, and subject to which, such directions may now be given by the said Board."

And be it further enacted, That every Supracargo and other civil Servant of the said Company, now employed by the said Company in the Factory at *Canton* or in the Island of *Saint Helena*, shall be capable of taking and holding any Office in any Presidency or Establishment of the said Territories which he would have been capable of taking and holding if he had been a civil Servant in such Presidency or on such Establishment during the same time as he shall have been in the service of the said Company."

"And be it enacted, That from and after the passing of this Act all Enactments and Provisions directing the said Company to provide for keeping [illegible] shall be repealed."

"And be it enacted, That it shall be lawful for any Court of Justice established by His Majesty's Charter in the said Territories to approve, admit and enrol Persons as Barristers, Advocates and Attornies in such Court without any Licence from the said Company, any thing in any such Charter contained to the contrary notwithstanding."

We have inserted in to-day's paper an account of what is stated to have passed at an interview between the Governor General and the Calcutta steam committee, regarding the answer given by the Bombay committee to the proposal for employing the *Hugh Lindsay* four times annually between India and Suez. In perusing this disingenuous and distorted statement,—which appears under the signature of C. J. M., whom we suppose to be Mr. Charles John Middleton, the chairman of the committee,—our readers should refer to the published correspondence, and judge for themselves whether it warrants the character which this gentleman has given to it. They will then see that, so far from *seceding* from the scheme of employing the *Hugh Lindsay*, the Bombay committee, in order to meet the views of the Calcutta committee assented to run her three voyages in a period of eighteen months; which was as often as, in their opinion, she could safely be despatched;—and the same opinion, it appears, was communicated to the Calcutta committee on the part of the Bombay Government. This simple transaction, however, is stigmatized by the Calcutta committee as a *secession*,—with a view, no doubt, of prejudicing the public against the committee here.—But the most curious and inconsistent circumstance is, that whilst the Bombay committee is abused in no very moderate terms for not agreeing to run the *Hugh Lindsay* four times annually, the Calcutta committee themselves admit that she is unfit for the purpose for which they proposed to apply her. That is to say, they condemn the vessel of their choice, and, at the same moment, condemn the Bombay committee, for not agreeing to run her to the full extent which was demanded of them!—Leaving the Calcutta committee to explain this striking absurdity, we must beg our friends in Bombay not to be overwhelmed with dismay at the enumeration by C. J. M. of the multitudinous benefits they have lost by the alleged want of foresight on the part of their committee in resolving not to squander their subscriptions in running, without limitation of time or expense, a vessel declared by all parties to be totally unfit for the purpose proposed, and to be ruinous in her charges.—It will be observed too, that we are told at the same time, that we have lost settlers, capitalists, focus, vigor, fruits of intellect, and industry, &c. &c., and what is almost as bad, the Calcutta committee have declared us *outcasts* from their new plan!

This plan it appears is to engage the Forbes steamer to go direct from Calcutta to Suez, and certainly has one great advantage; for whether it fails or not, as regards the Public, it cannot fail of being eminently useful to the creditors of Mackintosh and Co.

To be serious, however we must observe, that if the plan be not the best that could have been adopted, its success nevertheless will be a subject of great congratulation for the subscribers to the Bombay plan; for the main object in view being to establish a permanent Steam Communication, a most important step will be attained [illegible]t can primarily be established between Suez and Calcutta or indeed any other point. In Bombay we may then trust to our locality and our [illegible] becoming outcasts from the advantages [illegible] communication in spite of the Calcutta [illegible] mittee, who have so cavalierly turned us adrift.

We cannot leave this subject without [illegible]g the late coaxing letter to the

committee in which Mr. Greenlaw tells them that "the Bombay Committee do not concur in [illegible] has met *with their approbation.*" We have n[illegible]t that our friends at Madras in approving o[illegible]e employment of the *Hugh Lindsay* were not aware that she was unable to go to Suez four times annually, and we are confident that their candour will lead them to bear in mind what the Bombay Committee *did agree to undertake.*—In respect to the non-abandonment of the joint stock part of the Bombay plan, it is notorious that the committee could not, of themselves abandon it; but they informed the Calcutta committee that they anticipated very little difficulty in prevailing on the subscribers to convert their contributions into donations, and thus accomplish what was wished.

The Bombay committee, we understand, have received no communication whatever from the Calcutta committee on the subject of their offer to run the *Hugh Lindsay* three voyages, and if no further intercourse takes place between the two committees we presume they will proceed to carry into effect their original Plan. The division of the Funds collected for Steam Navigation into different channels instead of being united, is, no doubt, to be greatly regretted; but we feel satisfied that there is nothing whatever in the proceedings of the Bombay committee which at all justifies the character attempted to be assigned to them at Calcutta. On the contrary, it is quite evident that they have saved the aggregate funds from being wastefully expended in a vessel which is universally declared unfit for the purpose for which she was proposed by the Calcutta committee.

CALCUTTA

The suggestion to send a Deputation from our Committee to Bombay to perform *Kotou* to the Committee at that Presidency, is not likely to find favor here. Who will undertake the humiliating office?—and for what? That feeling is now unanimous, that nothing can be done in concert between the two Committees. The [illegible] had once a warm advocate in one of the most influential Members of the Bombay Committee and [illegible] West has completely changed his opinion; our Committee; but this last proposition from he has given them up in despair, and is now a strennous supporter of a separate scheme for Bengal. From what we have been able to gather, the important voice of the Governor-General is with us also. And may we not reckon upon a large portion of the subscriptions at Madras, and at the Up-country Stations of this Presidency? Is it to be supposed, that the subscribers for the Bombay plan, even those who have already sent their money to Bombay, will allow it to form part of a fund insufficient even for the building and out-fit of a small incompetent vessel to run between that Port and the Red Sea in the North East Monsoon, and unaided by the Government,—rather than give their money to a Fund already large enough for the purchase of an English Steamer of the size and speed most approved, to run from Calcutta—upon a plan, which we are sanguine enough to hope will have all the Government patronage and pecuniary support that would have been given to the joint arrangement with Bombay? If we are justified in anticipating so extensive a league in favor of direct Steam Communication from Bengal, we may already reckon upon about two lakhs as available for the purpose; and the schism that has occurred may even give a stimulus to new subscriptions. One of no less a sum than 1000 rupees is announced this morning in the *Englishman*, expressly given towards promoting the plan of a Steamer from Calcutta.

Now is the time for the Mercantile community of the place to take up the project, as lately suggested by Mr. Greenlaw. It is no longer a project under Bombay management, mixed up with discordent views, based upon an unsatisfactory footing of partnership, and wearing a suspicious aspect of unfairness in every part of the arrangements proposed. The only scheme of permanent Steam Communication by the Suez route, which has now any pretension to be regarded as having the support of a long purse and adequate patronage, is the Calcutta scheme; and it, therefore, behoves the merchants of Calcutta to look to it themselves. Bad as the times *have been*, there may, perhaps, be both disposition and ability to undertake the thing collectively among them. We have not much hope of that indeed, but we feel assured that much may be done by their influence at home; and we think too, that it would be most adviseable to ascertain their sentiments upon the subject before expending any portion of the funds, which while entire, may serve as a powerful inducement to persons to engage in the speculation.

We are aware of the importance of an early experiment, and if the *Forbes* be available for a trip to Suez, we should deem it worth while to make the experiment, even at a cost of 30 or 40,000, Rupees. Enquiry, we understand, has been made of the Assignes, of Mackintosh and Co. to whom she belongs; but the latter will certainly not consider themselves justified in accepting employment for the Vessel, except upon a footing of profit and security,—taking a fixed sum for the hire, and throwing upon Charterers the onus of keeping the hull [illegible]ured, besides all the charges of out-fit, [illegible] These expenses altogether will a[illegible] to a large sum, too large to justify the [illegible]ent—unless indeed Government should [illegible]thereto. But we have some doubts [illegible]ness of the *Forbes* to undertake the [illegible]ge at the season proposed. Starting in the month of May, she will be exposed to strong winds, a heavy sea in the Bay, which, in spite of her powerful engines, are likely to effect her progress as much as they did that of the *En[illegible]prise*, which, in the same month, was unable to stem the adverse current off Ceylon, and was compelled to put into Trincomalee. And when arrived at the Straits of Babelmandel, she will have a strong wind against her the whole way up the Red Sea. Success with the *Forbes*, upon such a trial, would be a victory indeed. Nautical men, who know her well, deprecate the idea, and we apprehend the Insurance Offices will refuse the risk; for there has always been much difficulty in getting an insurance effected upon Steamers, even while plying only within the port of Calcutta.

But we must, on other grounds, protest against the employment of this vessel on such a service. We shall not be accused of abandoning the interests of steam, when we remind the Merchants of Calcutta, that other interests, still more important, are engaged in the question of the *Forbes*. We have said to them before, and we must now remind them, that in her they have an invaluable safe-guard and aid to the shipping of this port; a vessel built, and well and durably built, for every duty of a ship tug, and singularly efficient for that particular service, while for no other is she precisely the craft most eligible? Why expose her then to the hazards and severe wear and tear of a rough voyage, which might deprive the commerce of Bengal of so excellent, and (while in port,) so durable a vessel,—the only ship tug remaining fit for service? Will not the share-holders of the Insurance Offices bestir themselves to prevent it, by taking her themselves off the hands of the Assignees?—*Calcutta Courier, Nov.* 5.

CONFERENCE OF THE STEAM COMMITTEE WITH THE GOVERNOR GENERAL.

The Steam Committee had a Meeting yesterday, at Government House, with Lord William Bentinck, when the Chairman, Mr. Middleton, presented to his Lordship the following resolution, carried at the Meeting of the Committee on Friday last:—

"Resolved.—That the Committee at the interview with the Governor General to-morrow, do make known their intention, his Lordship concurring, to propose to the subscribers, that the Bengal Funds be still applied to the purposes set forth in Mr. Secretary Macnaghten's letter of the 5th September, and that his Lordship be requested to allow them to be expended, under the direction of the Supreme Government, in the manner most likely to forward the proposed Steam Communication."

After perusal of this communication, a discussion of great importance to this question ensued; for it had not passed through the Committee unopposed; the Chairman positively declining to join in recommending it to the subscribers, when submitted to the General Meeting. The grounds of his objection (and their validity was admitted, in part, by several members of the Committee), were briefly these;

1st. The total unfitness of the *Hugh Lindsay* for the purposses to which the Committee proposed to apply her.

2nd. The limited amount of the means, reduced by the secession of Bombay, which the Committee had now to place at the disposal of the Governor General, which reference to the end designed.

3rd The utter hopelessness of any co-operation, for any useful purpose, between the two Committees of Calcutta and Bombay, after the discussions which had taken place both in and out of Committee; and the consequent unwillingness anticipated on the part of the Bengal Subscribers to send their money to be disbursed at a place and by persons who had manifested so much unwillingness to meet their views with any cordiality.

The interview with the Governor General was a very agreeable one, and these objections were severally considered. Much information was communicated, from which it is satisfactory to observe, that the Chairman and those who thought either wholly, or in part, with him, had not exaggerated their uneasiness at the prospect of the total surrender of their funds, under circumstances so unfavorable. With reference to the first objection, it was admitted on all hands, that the *Hugh Lindsay* did not admit of hope that she would perform more than one or at the utmost two voyages during the next year, and as to her putting to see during the monsoon, it was not to be thought of. Here then was interrupted communication—a deviation from the original design for which the Committee were constituted, viz. "permanent steam communication," and consequent disappointment to the subscribers. Again, with reference to the amount of the means at hand, some curious particulars came to light as to the actual expence of the *Hugh Lindsay*. It appeared that the coal for the first voyage cost Sa. Rs. 50,000, for the second 33,000, for the third, 47,000, and for the fourth 55,000. It is true that the returns of the voyages were given in thus:—for passengers and letters, the first voyage 3,000. the second 20,000, the third 18,000, fourth 15,000. Now the *realized* amount of Bengal subscriptions, offered by th[illegible] tee to the Governor G[illegible] and twenty [illegible] objection w[illegible] scarcely fu[illegible] even suppos[illegible] ly unable to [illegible] ment promis[illegible] ing that few [illegible] any result fr[illegible] years or tw[illegible] which refer[illegible] tion for a y[illegible] trated. T[illegible] to, but [illegible] it was [illegible] whic[illegible]

fluence on the success of the scheme, and its popularity or the reverse with the subscribers, were particularly adverted to, and appeared to receive the deserved consideration of his Lordship.

The *Hugh Lindsay*, then, and the arrangements connected with her and her point of departure, being pronounced of a most unsatisfactory and unpromising character, the next question was, *Quid agendum?* To abandon this noble scheme, or at once to take a revised view of the position of all parts and parties to the measure, so as to make it of more probable success, were the the alternatives which presented themselves for consideration. After much further discussion, in which Captain Forbes took a distinguished part, and in which the variety and extent of his enquiries as regards the state of the *Lindasy*, her condition and capabilities, and the general prospects of the subscribers as connected with her point of departue at all seasons commanded general and deserverd attention, it was suggested, that it was desirable to consider whether it might not now be expedient to try another port and another vessel.

Here was a view of the question which, although it had been mooted even in the Committee, and very actively discussed and canvassed out of it, had never been seriously considered, with a view to recommending any other scheme than that which included Bombay, for the present support of the Government and subscribers and it would indeed be difficult to name a measure of greater moment, or calculate results more important than those which are embraced by the change now thrown out for deliberation.

Steam Navigation established with Bombay would have made that city the point of interest and attraction to the whole of the Indian Continent as to Europe. There would have been the resort, in the first instance, of the settlers, the capitalists, whom unrestricted intercourse must ultimately bring to this great country. There would have been no focus of all that vigour, energy, and improvement, which constant and facile communication with the mother country, which the repeated influx of men actively [illegible] the means of [illegible] prosperity, and with it that of the people, would have produced. The first fruits of English industry and intellect must have been concentrated at Bombay. Respecting the political and moral results which may be the consequence of this great change in the objects which were considered within reach, by those who constituted the Bengal Steam Navigation Committee, all hasty speculation would be as imperfect as premature. It suffices that on the Governor General's, in reply to a question from the Chairman, declaring his preference for Steam Navigation with the Capital, provided there was a hope that the funds might suffice to make the demonstration and the experiment [illegible] much prospect of advantage from Cal[illegible] from Bombay, his Lordship's senti[illegible] with the unanimous acknowledgments [illegible] bation of the whole Committee.

The next question which followed was the vessel to be employed, and the *Forbes* was mentioned at once as by far the most fit and the most likely to satisfy all parties with reference to the *vexata quæstio*, the possibility or otherwise of making the communication at all seasons and with all winds. It was remarked that the *Forbes* had carried thirteen days' coal; that this was sufficient even if there were not the intermediate points of Madras and Galle, where coal might, if necessary, be provided; that she was a new and sound ship, capable of setting every question of seas and winds at rest; and the general voice strongly leaned to her employment, if the expense should prove far beyond the means which the Committee desired, with the concurrence of the subscribers to place at the disposal of Government.

And here the conference necessarily terminated; for no one present could state with any accuracy the amount of hire which the Assignees of Mackintosh and Co., in whom the property of the vessel now rests, on the part of the creditors, might be disposed to accept. It was stated that the expenses of the vessel might be estimated roundly at eight thousand rupees a mouth, and that if the Assignees would waive the insurance, which, considering the nature of a property in which such a vast number of persons had an interest to so limited an amount, might reasonably be expected, a much smaller sum would place the *Forbes* in the hands of the Committee. If this expectation should be realized, it is clear that the *Forbes* may be navigated for less than the cost of the coals of the *Hugh Lindsay*; and startling as the proposition may appear, if it be considered that coals in Calcutta are about half the price that has been hitherto paid for their supply to the *Hugh Lindsay* at Bombay; if we advert to the amount of postage which may be realized from this Presidency; the letters from Madras and Ceylon; the encrea[illegible] number of passengers; let us only hop[illegible] Governor General will grant to[illegible]

other point. The Governor General expressed his intention to address the Admiral, requesting his assistance in the mission of a qualified person to survey and report on the coasts of Socotra; and the meeting separated late in the evening.

India Gazette. C. J. M.

It is announced in the *India Gazette*, that the Assignees of Messrs. Mackintosh and Co. have made an offer to let the *Forbes* at the rate of 4000 Rs. a month exclusive of Insurance at the valuation of ½ lakh to be provided by the Charterers. We think this on the whole a reasonable proposition, and if we are to attempt the communication at all without waiting till it can be undertaken by speculators at home on a comprehensive plan, we should hope it will be accepted. The government will not, we presume, as the running of the *Hugh Lindsay*, is abandoned, object to defray this charge, and as we suggested to take the risk of insurance as they would have done in her case.

The report which we published yesterday of the conference of the Steam Committee with the Governor-General made our readers acquainted with the design which is now in contemplation for the prosecution of Steam Navigation. A majority of the Committee are or were of opinion That the Bengal funds should still be applied to the purpose set forth in Mr. Secretary Macnaghten's letter of the 5th September, *i. e.* in making four voyages annually with the *Hugh Lindsay* from Bombay to Suez, free [illegible] all charge to the community except that of [illegible] viding coals. Such a resolution was [illegible] consistent with former proceedings, a[illegible] have been founded on the opinion [illegible] that expressed by the Bombay Co[illegible] the *Hugh Lindsay* was capable [illegible] four voyages annually. We fin[illegible] that "it was admitted on all [illegible] *Hugh Lindsay* could not be [illegible] form more than one or two [illegible] next year. How such a [illegible] passed in the face of su[illegible] understand, and it [illegible] yet the Bombay Co[illegible] clining to undertake w[illegible] to be an impossibility. [illegible] cost for coal alone, in sa[illegible] is more serious than has h[illegible] The total cost of the fou[illegible] 185,000 Rs. average for e[illegible] and the total proceeds for [illegible] were 56,900 Rs. average [illegible] Rs. Deducting the on[illegible] the average annual loss [illegible] wards of 32,000 Rs. and [illegible] ing, the total amount of [illegible] tions, estimated roughly [illegible] absorbed in a year and a [illegible] ages of the *Hugh Lindsay* [illegible] ment, as was proposed, shou[illegible] except that of coal. W[illegible] of this fact can there be a[illegible] the Bombay Committee ac[illegible] ing the Calcutta proposal [illegible] not only to do that which [illegible] all hands to be impractic[illegible] *Hugh Lindsay* four time[illegible] also expected to accede to [illegible] according to all past experie[illegible] had the effect in a short ye[illegible] consuming the whole of the fu[illegible] subscribed by the Indian co[illegible] of leaving us without any mean[illegible] single step further by our own [illegible] promotion of Steam Navigation. [illegible] fore we concur in the opinion that [illegible] has passed, there can be no useful co[illegible] between the Bombay and Calcutta Co[illegible] we see the most obvious and the stro[illegible] sons for exonerating the former body [illegible] blame for rejecting the proposal made [illegible] by the latter, even supported as it w[illegible] sanction and recommendation of the [illegible] and Local Governments.

The Government and the Committee [illegible] appear, now seriously contemplate [illegible] Steamer from Calcutta to Suez, and i[illegible] tion with this project the *Forbes* has [illegible] tioned. The design is in many resp[illegible] feasible than the employment of th[illegible] and the chief question that arises i[illegible] the means are possessed to purcha[illegible] her. The purchase of the vessel [illegible] mittee is out of the question; bu[illegible] ment considers that the *Hugh* [illegible] enable it to meet the expect[illegible] been raised by the liberal offe[illegible] that vessel, the purchase of the [illegible] Government is not improbable [illegible] it may thus posses the means [illegible] expectations. If the Comm[illegible] Government will not, pr[illegible] must be hir[illegible]

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DELHI.

We should gladly join the Bombay Courier and the Mofussul Akhbar, in lifting up our voice for the acceleration of the Dak, were there any likelihood of its being heard. Some time ago we inserted several papers shewing what had been done on one line of road, between Calcutta and Lodiana, and suggesting what might be effected every where, with proposals for improving internal communication generally. Such topics, abounding in dry details without affording that kind of excitement which is all that most readers are wont to expect in a Newspaper, were probably neglected altogether by the parties chiefly interested in having the recommendations of the writer adopted. We concur with the Courier in thinking that the same rates of travelling and postage ought to be established over the whole of India. Nothing is more just than his remarks on the impolicy of assigning the duties of the department to idle and inefficient persons, and nothing, we would add, more likely to make bad worse than the measure already in execution by the Supreme Government, of annexing the duties of Postmasterships as they become vacant, to the overworked civil officer, whose designations begin with Magistrate and Collector. Our contributor has made it appear at least probable that should it be an object to save the present ridiculously small salaries, they may be withdrawn, and the entire business which they are now given for, performed by Contractors who, if allowed more ample means of accommodating the Public, will not only pay themselves handsomely, but greatly encrease this branch of revenue to the [illegible] While human nature remains unchanged always be so much *wastage* on every [illegible]lishment, that the active self interest [illegible]ompetent individual may enable [illegible]uch of it to account, which is is [illegible]n away. In all undertakings [illegible]h admit of no evasions or neg[illegible]n right knavery that requires [illegible]nment should not disdain the [illegible]onomy on which Farmers [illegible] animals by letting them [illegible]rain which the owner [illegible] then th[illegible] an expense of [illegible] it appeared on consi[illegible]y to provide for keep[illegible] a present of the tolls in [illegible]he Engineer, who in re[illegible]le for future reparation; [illegible]oy a large income to this [illegible]Ministry would in all pro[illegible]to realize, and neglected [illegible]e highways of the coun[illegible]hind of one of the great [illegible]ng the post. The Na[illegible]rank, are not yet in a [illegible]o estimate the value of [illegible]nwieldy bulk of our great [illegible]pt all the light of the last [illegible]ch of polity in the East. [illegible]late, we believe, as the [illegible]e Third's Reign, the pro[illegible]f Middlesex and Surrey [illegible]not to ruin them by mak[illegible]m London to the remoter [illegible]he inhabitants of which, [illegible], obtain the means of [illegible] market and lowering [illegible]ury of the petitioning [illegible]the Metropolis. These facts, [illegible]mply put forth as grievances [illegible]te clearly the welfare of the [illegible]t is essential to that internal [illegible] which no country can flourish. [illegible]nwhile, however, roads will not [illegible]the Post alone, and without them [illegible] be accelerated, like the English [illegible] miles an hour. Yet in the present [illegible]ngs there are many available means [illegible]t little known and almost untried, [illegible]dy of contractors labouring in concert [illegible] themselves, in proportion as they [illegible]Public weal, and add to the revenue, [illegible]celiest instruments of developing to

The loads of Parcels which the [illegible]ill shortly be bringing from Europe [illegible] principal Seaports will, in order to [illegible] to the Post Office and satisfaction to [illegible]s, demand a cheaper and quicker [illegible] than the Banghy. The Shootar [illegible] Saddle Camel, two Camels with a [illegible]2 Bullock Cart, and the Tattoo [illegible]ka, both of the last remarkable [illegible], admitting of great improve[illegible]ength and diminishing fric[illegible]ch convenience for conveying [illegible] passengers along with the [illegible] certainly deserve a fair trial, [illegible]m in the districts which they [illegible]dapted to.

[illegible]t present go preposterously [illegible]e route to Bombay, in [illegible] of it are

comparatively dear and slow conveyance of the Government.—*Delhi Gazette, November 2.*

EUROPEAN INTELLIGENCE.

HOUSE OF COMMONS,—JULY 19.

EAST INDIA COMPANY'S CHARTER BILL.

On the motion of Mr. GRANT, the house resolved itself into committee upon the East India Bill.

The CHAIRMAN put the 89th clause which provides for the appointment of two bishops one for the Presidency of Fort St. George, and the other for the Island of Bombay.

O'CONNELL said this was a most important part of the bill, for it recognized what he thought was a separate Christian establishment. (Hear, hear,) Indeed the hon. baronet (Sir R. Inglis) had given the name to it of a dominant church in India. Not a word was in the bill and not a word had been said by any member of the government about a dominant church: but as the hon. member for the University of Oxford had stated triumphantly that it would be so, he (M. O'Connell) would adopt the expression, and contend that no such principle should be extended to India. He hoped that the bill would be received as the first great charter in India, and that it would be the basis of a new order of things, after centuries of misrule, cruelty, and ignorance, and that it would be the means of the gradual introduction into that part of the world of manufactures, the arts, science, and literature. Those were the objects of the bill; but they would be defeated if the causes of all the religious dissensions and jealousies of Europe were transported to India, and they could not have a dominant church without introducing at the same time all the rancour and hate of religious animosity and opposition. All Christians should be put upon an equal footing. The hon. and learned member entered into a detail of the vast disproportion between the members of the Protestant church in India, and those of the Catholic church, and said that the object of the clause now before them was to appoint two bishops for about 15,000 or 20,000 Protestants, while there were above half a million of Catholics, all of whom would be taxed to be pay the salaries of those bishops. At Ceylon had been shown some of the evils of intolerance. When Sir Alexander Johnstone, to whom he gave the utmost credit for humanity and good feeling arrived there he found that the efforts of the Jesuits and other missionaries had spread the doctrines of Christianity so far, that the highest species of Boodahism was already extinct. But when the Dutch came [illegible] that country by their penal [illegible] they reduced the number of Catholics [illegible],000 to 60,000, and sent to Siam for a new Boodah establishment, a new dominant hierarchy. He would not admit the necessity of any ascendancy or domination in religion; but called upon the hon. gentlemen opposite to declare candidly their opinions and intentions. He did not charge them with a desire to introduce domination but they had been so charged, and the accusation would be confirmed by their silence if they were silent. The government was bound to look to two classes of His Majesty's subjects—to the Catholic and Presbyterian, as well as to the Protestant. It would wring the hearts of hon. members if they could see the letters written by the poor Catholic Irish soldiers in India to their friends at home; written in a state of physical debility, and with the expectation of death from the effects of the climate. In such strictures, the chief and constant complaint of the [illegible] dier was the want of religious consolation. [illegible] were provisions made for the Protes[illegible]ould also be provision made for the C[illegible] Presbyterian, and he would again ask [illegible] told explicitly whether the same assistance was to be rendered to these as to the Protestant?

Mr. GRANT complimented the hon. and learned member on the tone and temper in which he had introduced the subject. The ground upon which the alteration had been founded was the necessity for increased means of religious consolation. At present there were but one bishop and three archdeacons; it was proposed to increase the number of bishops to three, and leaving the archdeacons as they stood, with respect to numbers, to take from their incomes as much as would provide 2,500*l.* a year for each of the two additional bishops. The right hon. gentleman then went into a statement showing the necessity for this addition, and contending that this country had no right to send forth its subjects abroad without giving them the religious advantages they enjoyed at home, or to keep from 9,00 000 of Indian subjects the means of attaining the blessings of Christianity. But in making this provision, he would unhesitatingly declare to the house that he did not like the idea of connecting domination with the church. (Lord cheers.) It was with the intention of providing religious instruction that he had proposed the resolution; it was with an idea of affording spiritual aid, the diffusion of which would surpass all the contemptible thoughts of human domination. (Continued cheers.) The government held out to India nothing that was unfair or intolerant to any religion, but only such as did honour to the English name, and to the principles of Christianity. He certainly avowed a strong feeling in favour of the established church, to which he belonged (hear, hear) but there was nothing in that predilection which could induce him to allow its interference with any other religious belief. (Hear, hear.) He knew there was a very large Roman Catholic community in India, and they deserved the particular regard and consideration of the government, but in what mode, to what extent, and under what form their claims could best be satisfied, he was not prepared to state; it would not be difficult, however, to adjust the matter between parties who applied themselves fairly and sincerely to the task (hear, hear); and he should be happy to communicate with the hon. and learned member for the city of Dublin upon the subject. He thought that without reference to religious feeling, it would be the best policy (and he knew the Catholics of India were anxious for it) that the Catholic pastors in India should be British subjects, and not foreigners.

[illegible]N remembered with feelings of pleasure [illegible]fested by the government and the

Mr. SHEIL.—Then, are all religions to be established in India?

Mr. MACAULAY.—All are to be paid.

Mr. SHEIL.—Yes; but payment does not constitute establishment. In France all religions are supported, but none is established. You give pre-eminence by act of Parliament to the Anglo-India church, and this is done despite the advice of the East India Company. (Hear, hear, hear.) He held in his hand the correspondence of the India Company with the Board of Control, dated July 10, 1833. They protest against the establishment of two more bishoprics. They insist that it is unjust to tax natives for the support of an establishment. He should read the following remarkable passage:—"And here, Sir, the court must call your attention to the striking fact, that the charge to India of the ecclesiastical establishment has been augmented since the institution of the see of Calcutta from 48,000*l.* to more than 100,000*l.* per annum, and that the clerical part of the pension list has been increased from 400*l.* per annum to 5,000*l.* per annum. The court, therefore, cannot contemplate the creation of two more sees without apprehension of financial consequences. We recognize, indeed, in your proposal, great anxiety to limit the expense; but we fear that it will be found impossible to maintain the limitation when the offices are created, and the Bishop of Calcutta shall have become a metropolitan." (Loud cries of "Hear, hear.") Thus the company, to whom the powers of government were to be transferred, protested against this enlargement of the hierarchy, which would end in a vast episcopal establishment. Already the expense had risen from 48,000*l.* to 109,000*l.* If one bishop had produced this increase of expense, what would two more effect? And if one bishop generate two, would not the three soon produce a large episcopal progeny? The majority of native Christians were Catholic; they were 600,000 in number. How grossly unjust, then, it was to establish a church to which they were wholly alien! Besides the 600,000 native Catholics, there was a large body of European Catholics, especially Irish soldiers. Thus all the evils of the Irish church establishment were to be sown in India, and would produce the same results. Let them transplant Christianity to India, but not controversy, the weed that grew beside and killed it. In a few years a struggle would take place between the Catholic, the Calvinist, and the Protestant population, arising from the pre-eminence given to one. The hon. member then read the following quotation from the works of the Rev. Robert Hall:—"Happy had it been, however, for civil establishments, if religion had been useless only, instead of being productive of the greatest evils. But, when Christianity is established by law, it is requisite to give the preference to some particular system; and, as the magistrate is no better judge of religion than others, the chances are as great of his lending his sanction to the false as the true. Splendour and emolument must likewise be in some degree attached to the national church; which are a strong inducement to its ministers to defend it, be it ever so remote from the truth. The error becomes permanent, and that set of opinions which happens to prevail when the establishment is formed, continues, in spite of superior light and improvement, to be handed down without alteration from age to age. Turn a Christian society into an established church, and it is no longer a voluntary assembly for the worship of God; it is a powerful corporation, full of such sentiments and passions as usually distinguish those bodies—a dread of innovation, an attachment to abuses, a propensity to tyranny and oppression. Hence the convulsions that accompany religious reform, where the truth of the opinions in question is little regarded amidst the alarm that is felt for the splendour, opulence, and power which they he the means of supporting. To this alliance of Christianity with civil power it is owing that ecclesiastical history presents a chaos of crimes, and that the progress of religious opinions, which, left to itself, had been calm and silent, may be traced in blood" (Hear, hear.) Yet, in the face of all this, and the wishes of the East India Company, they were going to establish an alien church in India, at the expense of the natives. (Hear.)

Lord ALTHORP reprobated the polemical line of argument adopted by the hon. member, in the course of a debate that had been conducted with so much calmness and moderation. He wished to ask the hon. and learned member for Dublin, whether the answer of his right hon. friend to his remarks was not satisfactory to his views on the subject. Government wished to make such an arrangement as would be satisfactory to all parties, and tend to the extension of Christianity. Under the existing arrangement, the death of a bishop left India for a very long time without any spiritual superintendence, which the present proposition would obviate. The government had professed that they were willing, and promised to give every protection to Roman Catholics, and that promise would be kept.

Mr. O'CONNELL said the answer was most satisfactory.

Sir R. INGLIS expressed his desire to see all sects of Christianity established in India in preference to Paganism. But there was one class of individuals, calling themselves Christians, whose doctrines, in his opinion, were much more dangerous than those of the Pagan, or any other religion. He denied that it was the establishment of a bishopric at Calcutta that had raised the expense of the church from 48,000*l.* to 100,000*l.* He approved of the clause, and should give it his support.

Mr. HUME would have preferred that this clause had been postponed. There were altogether 13 clauses contingent upon the addition of two bishops. (Hear, hear.) He understood that the noble lord conceded to the wishes of the hon. and learned member for Dublin, and thought it would follow that the Irish church would be provided for. He would ask the noble lord how he could consistently recommend a reduction in the Irish bishops, and he believed the country had not much confidence in the English bishops (laughter and cheers), and an increase in those of India? He protested against the necessity for more bishops from the unhealthiness of the climate. He was himself a proof that the climate was healthy. (A laugh.) If the house came to a division on the clause, he should give it his opposition, as well as several of the succeeding clauses having reference to the same subject.

Mr. C. BULLER hoped Mis Majesty's government [illegible] their course of conciliation towards [illegible] for Dublin, and those [illegible]bops.

[illegible] Divide," [illegible] to support [illegible] hoped the [illegible]e. He was [illegible] member for [illegible]d that hon. [illegible]n serve in [illegible] progress, [illegible] med. [illegible] was [illegible]ent [illegible]

Sir M. W. RIDLEY supported the clause, as he understood that its effect was merely [illegible] the names of the dignitaries of the ch[illegible] out adding any thing to the present expendi[illegible]. He did not see why the episcopal church should be established in India, when it should be recollected that we were groaning under it at home. (Hear.) Nor did he think that there were sufficient numbers of Protestant episcopalians in India to warrant the proposed establishment, and he wished that each denomination of religion in that country should have equal advantages, neither having pre-eminence over the other.

Lord MORPETH said that he represented a far greater number of Dissenters than (he believed) any member in the house; and although he entertained the highest respect for them, yet he did not think that he should afford them any ground of offence by supporting this clause. His support was founded on the understanding that this clause merely suggested a different distribution of funds at present appropriated to the episcopal establishment in India, and did not propose any additional payment.

Sir J. MAXWELL supported the clause, as it was calculated to promote the cause of religion in India.

Mr. HALCOMB said that he was desirous of seeing the congregations of the different denominations in India, each supporting their own ministers.

Mr. C. FERGUSSON supported the clause, on the ground that it did not propose additional expense. This question appeared to have been supposed to be one affecting the establishment of episcopacy in India, whereas it was in fact only providing laws by which that establishment was to be regulated.

Colonel EVANS opposed the clause. His long practical experience in India made him averse to the proposed establishment of bishops, &c. He should not only oppose the clause now, but also, if necessary, on the bringing up of the report.

After a few further observations from Mr. Finn and Mr. Young, both of whom rose amidst loud cries of "question," the house divided, when the numbers were—

For the clause - - - - - 85
Against - - - - - 47

Majority for the clause - 38

Clauses from 88 to 92 were then agreed to.

On the 93d clause being read,

Mr. C. GRANT proposed an amendment (in the place of the original clause) empowering the Crown to assign the limits of the dioceses of the Bishops of [illegible] from Calcutta, Madras, and Bombay respectively; [illegible] to time to time to alter and vary the same; and grant to the bishops the exercise of episcopal functions, and all such ecclesiastical jurisdiction as His Majesty might think necessary for the superintendence and good government of the ministers of the church.

Mr. WILKS proposed to add to the end of the clause certain words, excepting all missionaries, priests, and schoolmasters not being members of the English church, from the superintendence of the bishops.

Mr. R. GRANT said that no apprehension need be entertained that the bishops would exercise any jurisdiction over persons not belonging to their church but he had no objection to insert after the words "superintendance and good government," the words "of the Ministers of the United Church of England and Ireland."

The clause as amended was then agreed to, as were also clauses 94, 95, and 96.

On the 97th clause, which enables His Majesty to grant pensions of 800*l.* a year to each of the bishops, after 15 years' service, being read,

Mr. HUME stated, that in his opinion the term ought to be 20 years, instead of 15. He thought the house could not exercise too much caution in adopting any proposition which would have the effect of increasing the already too large pension list of the country.

Mr. G. YOUNG thought that a service of 15 years ought to entitle the bishops to a pension, considering that they must be persons of advanced age before they would be capable of performing the important duties attached to their offices.

Mr. HALCOMBE considered that no period of service ought to be fixed, but that it should be left to the discretion of the Crown to grant pensions to the bishops.

The clause was then agreed to.

Clauses from 98 to 101 inclusive were also agreed to.

On the 102d. clause, respecting allowances to the bishops to defray the expense of visitations, being read,

Mr SHEIL expressed his objection to it. They were going to exchange archdeacons for bishops, and to give to the latter 3,500*l.*, the former having been allowed only 2,00*l.*

He thought that the additional 500*l.* would be sufficient to defray the expense of visitations.

Mr. R GRANT said, that the allowance for visitations would be settled by the proper authorities, and no larger sum than they thought fit would be granted.

Mr. HUME objected to leaving the amount of the allowance undetermined. He was afraid that the establishments of the bishops would be exceedingly expensive.

Mr. R. GRANT said, that it would be extremely difficult to limit the amount of allowances to any precise sum.

Mr. SHEIL observed, that in 1814 the annual expense of the church establishment in India was 48,00*l.*; and that it was 100,0000*l.* at present.

After some further conversation, the clause was agreed to; as was also the succeeding one.

Mr. C. GRANT then proposed the introduction of a new clause, to provide that two of the chaplains at each of the presidencies should be ministers of the church of Scotland, and should have equal salaries to those of military chaplains.

Mr. A. JOHNSTONE proposed that these chaplains should be placed under the control and direction of the Presbytery of Edinburgh and the Provincial Synod.

Mr. GILLON, Mr. WILKS, and other hon. members objected to the exclusion of dissenters from the church of Scotland, many of whom were men of the highest character and ability; and expressed their determination of taking the sense of the committee on the proposition.

Mr. C. FERGUSSON could see no reason for placing dissenters from the church of Scotland on a better footing in India than dissenters from the church of [illegible] land.

Sir JOHN MAXWELL recommended that C[illegible] of all persuasions should be allowed every [illegible] nity of propagating their opinions in India.

Mr. SHEIL proposed a provision, that it sho[illegible] lawful for the Directors of the East India C[illegible] to make provision in India for ministers of [illegible] man Catholic and all other denominations of reli[illegible] on, due regard being had to the amount of population.

After some further discussion,

Mr. BERNAL said, that as a debate had arisen on the clause, it would be irregular to press it; and its consideration must be postponed until the end of the bill.

The clause was consequently postponed.